

**BOROUGH OF ORWIGSBURG
SCHUYLKILL COUNTY, PENNSYLVANIA**

ZONING ORDINANCE

**ORDINANCE NO. 400
JULY 14, 2010**

**AS AMENDED BY ORDINANCE NO. 409
FEBRUARY 13, 2013**

**AS AMENDED BY ORDINANCE NO. 412
OCTOBER 9, 2013**

**AS AMENDED BY ORDINANCE NO. 427
OCTOBER 11, 2017**

**AS AMENDED BY ORDINANCE NO. 457
MAY 10, 2023**

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**ORDINANCE NO. 400 OF 2010
AS AMENDED BY ORDINANCE 409 OF 2013, ORDINANCE 412 OF 2013, AND
ORDINANCE 427 OF 2017.**

AN ORDINANCE LIMITING AND RESTRICTING TO SPECIFIED ZONES AND REGULATING THEREIN BUILDINGS AND STRUCTURES ACCORDING TO THEIR CONSTRUCTION AND THE NATURE AND EXTENT OF THEIR USE AND THE NATURE AND EXTENT OF THE USES OF LAND AND THE EXERCISE OF SUCH AUTHORITY, SUBJECT TO THE PROVISIONS OF LAW, REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZES OF BUILDINGS AND OTHER STRUCTURES; THE PERCENTAGE OF THE LOT THAT MAY BE OCCUPIED; THE SIZES OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION AND THE LOCATION AND USE AND EXTENT OF USE OF BUILDINGS AND STRUCTURES AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; ESTABLISHING A ZONING HEARING BOARD; AND REPEALING ALL PRIOR ORDINANCES RELATING TO ZONING; AND PROVIDING PENALTIES FOR THE VIOLATION OF THE TERMS AND PROVISIONS THEREOF, IN THE BOROUGH OF ORWIGSBURG, IN THE COUNTY OF SCHUYLKILL AND COMMONWEALTH OF PENNSYLVANIA.

BE IT ORDAINED by the BOROUGH COUNCIL of the BOROUGH OF ORWIGSBURG, in the County of Schuylkill and the Commonwealth of Pennsylvania, as follows:

ARTICLE I

**SHORT TITLE, PURPOSE AND
COMMUNITY DEVELOPMENT OBJECTIVES**

SECTION 1.01 - SHORT TITLE. This Ordinance shall be known as the "ORWIGSBURG BOROUGH ZONING ORDINANCE."

SECTION 1.02 - PURPOSE.

This Zoning Ordinance has been prepared in consideration with the Borough Comprehensive Plan as amended, and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures, and is enacted for the following purposes:

- A. To promote, protect, and facilitate any or all of the following: the public health, safety, morals, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public

requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.

- B. To prevent one or more of the following: Overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To provide for the use of land within the Borough for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multi-family dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that this Ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type.
- D. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

SECTION 1.03 - COMMUNITY DEVELOPMENT OBJECTIVES. This Zoning Ordinance is to render a legal basis and framework to the future land use plan and development goals established in the planning studies undertaken by the Orwigsburg Borough Planning Commission. The objectives of guiding future growth and improvement of existing development within the Borough of Orwigsburg are to enable the most economical and efficient provision of municipal services; eliminate hazardous and detrimental land uses while encouraging beneficial and compatible land uses; maintain a desirable residential environment with adequate recreational, commercial and industrial supporting areas; and, in general, avoid the problems which arise when growth occurs at random without any municipal-wide goals or coordination.

SECTION 1.04 - BOROUGH ORDINANCES. No uses shall be permitted in any district which directly violate any Borough ordinance or code.

SECTION 1.05 - REVIEW. All development shall be subject to the provisions and requirements delineated in the Orwigsburg Borough Subdivision and Land Development Ordinance, the Orwigsburg Borough Storm Water Management and Earth Disturbance Ordinance, the Pennsylvania Uniform Construction Code or any relevant construction code in effect.

ARTICLE II

DEFINITION OF TERMS

SECTION 201 - RULES OF INTERPRETATION. For the purpose of this Ordinance, the terms and words listed in this Section shall have the meaning herein defined. Words not herein defined shall have the meanings given in Webster's Unabridged Dictionary and shall be interpreted so as to give this Ordinance its most reasonable application.

For the purpose of this Ordinance, the following rules of interpretation shall apply:

- A. Words in the present tense include the future tense.
- B. Words in the singular include the plural and words in the plural include the singular.
- C. The words "used" and "occupied" shall be construed to include the words "or intended, arranged or designed to be used or to be occupied, or offered for occupancy".
- D. The term "such as" shall be considered as introducing a typical or illustrative designation of items, and shall not be interpreted as constituting a complete list.
- E. The words "person" and "owner" shall be deemed to include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- F. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof".
- G. The word "lot" includes the words "plot" and "parcel".
- H. The word "watercourse" includes channels, creek, ditch, dry run, spring, stream and river. (Amended October 11, 2017)
- I. The word "erect" shall mean to build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any structure or building and shall also include the painting of exterior wall signs.

SECTION 202 - TERMS DEFINED. Other terms or words used herein shall be interpreted or defined as follows:

ACCESS DRIVE. See Driveway.

ACCESSORY APARTMENT. A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the principal building, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is an accessory use to the principal building.

ACCESSORY SOLAR ENERGY SYSTEM (ASES). An area of land or other area used for solar collection system principally used to capture solar energy with the intention of converting and supplying electrical or thermal power: (1) primarily; or (2) solely for on-site use. Ground mounted or freestanding Solar Energy Systems with an output size of not greater than 10kW shall be considered Accessory Solar Energy Systems. Roof or wall mounted solar energy systems on the roofs or walls of buildings on-site used primarily for on-site use shall have no limit as to power output. An ASES consists of one (1) or more free-standing ground, wall, or roof mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power for use on-site by the generator. (Amended May 23, 2023)

ACCESSORY STRUCTURE. A structure subordinate to and detached from the principal structure on the same lot and used for the purposes customarily incidental to the principal structure.

ACCESSORY USE. A use customarily incidental and subordinate to the principal use of the main building and located on the same lot with such principal use or main building.

ACTIVE PLAY AREA. An area designed and constructed for outdoor recreational use including playground equipment such as slides, swings and climbing apparatus.

ADDITION. Any construction which increases the size of a building or adds to a building.

AGRICULTURAL OPERATION. An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AGRICULTURE. The cultivation of the soil for food products or other marketable products, including animal husbandry

ALLEY. A minor right-of-way, publicly or privately owned, which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

ALTERATION. Construction which may change the structural parts, mechanical equipment or location of openings of a building but which does not increase the size of the building.

AMENDMENT. A change in use in a district which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Borough Council.

AMUSEMENT/VIDEO ARCADE/POOL/BILLIARD HALL. A commercial establishment that provides as a principal use, 2 or more amusement devices and/or games of skill or chance (e.g. pinball machines, video games, skeet ball, electronic or water firing ranges, pool and billiards tables and other similar devices). This definition also includes the use of such devices as an accessory use.

ANIMAL HOSPITAL. A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian.

ANIMAL HUSBANDRY. The raising, breeding, keeping or care of farm animals, livestock or insects for meat by-products or other utility, which is intended as a business or gainful occupation.

ANTENNA. Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, which system is external to or attached to the exterior of any building. Antennas shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna. The height of an antenna shall be the total maximum to which it is capable of being raised and shall be measured from the highest point of the finished grade adjacent to the structure if ground-mounted or adjacent to the principal structure if roof-mounted. See "Communications Antenna."

ANTENNA HEIGHT. The vertical distance measured from the ground level to the highest point on a Communications Tower, including antennas mounted on the tower.

ANTIQUE BUSINESS. A business for purchase and sale at retail or antiques. Specifically excluded are flea markets, multiple antique dealer ventures, and garage sales of a permanent or quasi permanent nature, except as are authorized by the Borough for charitable institutions or civic organizations for nonprofit fund raising purposes as otherwise may be provided by laws of the Ordinance.

APARTMENT. A dwelling unit, which is either accessory to a principal use or one of three or more dwelling units in an apartment building, and which provides separate, independent living, and sanitary facilities for one (1) family or individual, including provisions for cooking and sleeping. Where such a unit contains no specific bedroom area, it shall be deemed an efficiency apartment and regulated as all other apartment dwelling units.

APARTMENT, CONVERSION. A multi-family dwelling constructed by converting an existing building into apartments for more than one family, without substantially altering the exterior of the building.

APARTMENT HOUSE. A detached building consisting of three (3) or more dwelling units.

APPLICANT. A landowner or developer, as hereinafter has filed an application for development, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT. Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to, an application for a building permit, for the approval of a subdivision, plat or plan or for the approval of a development plan.

APPOINTING AUTHORITY. Borough Council.

AUTHORITY. A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No.164), known as the "Municipality Authorities Act of 1945".

AUTOMOBILE. A self-propelled, free-moving vehicle, primarily for conveyance on a street or roadway.

AUTOMOBILE BODY SHOP. See "Vehicle Body Shop."

AUTOMOBILE SERVICE STATION. See Vehicle Service Station.

BASEMENT. A story partly underground but having one-half or more of its height above the average level of the adjoining ground.

BED AND BREAKFAST INN. An owner-occupied dwelling in which a room or rooms are rented on a nightly basis for periods of not more than thirty (30) days. Meals may or may not be provided, but no public restaurant shall be maintained.

BED AND BREAKFAST UNIT. A room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not cooking or eating purposes.

BERM. An earthen mound designed to create a visual and sound barrier between a use and adjoining properties, streets, and adjacent uses.

BOARDING HOUSE (ROOMING HOUSE). A residential building that contains the primary residence of the owner(s)/manager(s) and his family as well as long term housing for a maximum of fifteen (15) additional persons. There shall be a maximum number of five (5) rooms and a maximum number of three (3) persons per room. At least one (1) full bath shall be provided for use by the guests for every two (2) rental rooms. No provisions for cooking shall be allowed in any rooming unit; however, congregate meals may be provided to residents where meals are served family style rather than by ordering individual portions from a menu.

BODY PIERCING / TATTOO PARLOR. Any permanent place or establishment in which it is offered or practiced (1) the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature (body piercing) or (2) the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance resulting in the permanent coloration of the skin, including permanent make-up, by the aid of needles or other instruments designed to touch or puncture the skin.

BUFFER AREA. A landscaped area intended to be used as means of limiting the effects created by a use on adjoining properties, streets and uses.

BUILDING. Any structure, either temporary or permanent, having walls and a roof or other covering, and designed or used for shelter or enclosure of persons, animals or property.

BUILDING, ATTACHED. A building that has two (2) vertical party walls in common.

BUILDING, DETACHED. A building that has no party walls.

BUILDING, SEMI-DETACHED. A building that has only one (1) vertical party wall.

BUILDING, ACCESSORY. A building detached from and subordinate to the principal building or use on the same lot and used for purposes customarily incidental to the principal building, but not including vehicles, mobile homes, travel trailers, truck trailers, or any parts thereof. An accessory building may not house a principal use nor may it stand alone on a lot as a principal building.

BUILDING, PRINCIPAL. A building in which the principal use of the lot is conducted.

BUILDING AREA. That portion of the lot that is not located within any of the yard areas.

BUILDING COVERAGE. The aggregate of the maximum horizontal cross-section areas of all buildings on a lot, excluding cornices, eaves, and gutters projecting not more than eighteen (18) inches. (Amended May 23, 2023)

BUILDING HEIGHT. The vertical dimensions measured from the average elevation of the finished lot grade at the front of the building to the highest point of ceiling at the top story in the case of a flat roof, to the deck line of a mansard roof and to the average height between the plate and ridge of a gable, hip or gambrel roof.

BUILDING LINE. The actual line of that facade of the building nearest an adjacent right of way or street line. This facade includes sun parlors and covered porches, whether enclosed or unenclosed, but does not include steps.

BUILDING PERMIT. A written statement issued by the Zoning/Code Enforcement Officer, authorizing the construction, erection or alteration of a structure or sign or part of a structure, consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provision.

BUILDING SETBACK LINE. The line within a property (usually parallel to the right-of-way or lot line), defining the required minimum distance between any enclosed structure and the adjacent street right-of-way or lot line, whichever is further from the street.

Front set-back line:	The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line. In the case of a corner lot possessing frontage on two or more public streets, the setback lines shall be determined by the following standards:
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1. At least one front setback shall be provided at the full distance required generally for the distance in question. This setback line shall be located on the street of address.

The second (or subsequent) front setbacks, hereinafter referred to as secondary front setbacks, shall not have less than one-half the full distance required for the district in question.

Provided, however, in no instance shall a secondary front setback be less than the minimum side yard setback required in the district in question.

Side set-back line: The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

Rear set-back line: The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line. In the case of a corner lot possessing frontage on two or more public streets, the rear setback line shall mean that setback line which is opposite and most distant from the front line on the street of address.

BUSINESS. Any enterprise, occupation, trade or profession engaged in, either continuously or temporarily, for profit. The term "business" shall include the occupancy or use of a building or premises or any portion thereof for the transaction of business or the rendering or receiving of professional or personal service.

BUSINESS OFFICE BUILDING. A building used as offices and occupied by personnel to perform business, professional, administrative or clerical functions.

BUSINESS SERVICES. Includes such uses as banks, credit unions, loan and insurance agencies, utility offices, government, business and professional offices, medical or dental office facilities.

CAR WASH. See Vehicle Wash.

CELL SITE. A commercial communications antenna site occupied by a cellular telephone antenna and accessory facilities.

CELLAR. A story partly underground and having more than one-half of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

CENTER LINE OF STREET OF ROAD. A line midway between and parallel to the two street or road lot lines, or as otherwise defined by the Borough Council.

CERTIFICATE OF ZONING COMPLIANCE. A certificate issued by the Zoning/Code Enforcement Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements, have been complied with.

CHANGE OF USE. An alteration of a building or a change of use theretofore existing within a building or on a lot to a new use which imposes other provisions of the Zoning Ordinance.

CHILD OR ADULT DAY CARE FACILITY. Any dwelling, building, or portion thereof, including any on-site outdoor play area, where regular child or adult day care services other than the following are provided:

1. The temporary or occasional care of any number of children or adults not related to the person giving care which takes place at the home of the person giving care.
2. The temporary or occasional care of any number of children or adults at a dwelling unit customarily and regularly occupied by the children or adults as their residence.

Child and adult day care facilities shall be further differentiated by the following two classifications:

DAY CARE HOME. Any premises or dwelling unit, other than the home of the child or adult being provided care, where the day care areas are being used as a family residence, operated for profit or not for profit, in which day care is provided at any one time to up to six (6) non-dependent children or adults per day.

DAY CARE CENTER. A facility which provides care for (1) a combined total of seven (7) or more children or adults per day, where the child or adult care areas are being used as a family residence or (2) any number of children or adults per day, where the child or adult care areas are not being used as a family residence.

CHURCH AND RELATED USES. A building, structure, or group of buildings or structures, including accessory uses, designed or intended for public worship. This definition shall include rectories, convents, and church-related educational and/or day-care facilities.

CLEAR SIGHT TRIANGLE. An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center line.

CLINIC. An individual building or cluster of buildings (or a lot in single or common ownership) operated by one or more licensed medical or dental practitioners for the purpose of providing medical or dental treatment to the public on an outpatient basis.

CLUSTER DEVELOPMENT. A development design option which allows the minimum lot areas and yard requirements to be reduced so that buildings and lots can be grouped together in a more efficient and environmentally sensitive configuration, provided that the remaining area is set aside and preserved as common open space.

COMMERCIAL RECREATION. A business such as a theater, bowling alley, pool hall, golf driving range, miniature golf courses, swimming pool or skating rink which offers recreational activities to the general public and which are operated for a profit.

COMMERCIAL USE. A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

COMMON OPEN SPACE. A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS ANTENNA. Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING. An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER. A Structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

COMMUNITY CENTER. A place, structure, area, or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

COMPREHENSIVE PLAN. The Comprehensive Plan adopted by Borough Council pursuant to Article III of the Pennsylvania Municipalities Planning Code which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Borough, and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

CONDITIONAL USE. A procedure whereby uses are allowed or denied by the governing body pursuant to public notice and hearing and recommendations by the planning agency and pursuant to express standards and criteria.

CONDOMINIUM. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONVENIENCE STORE. Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

CORNER LOT. A lot fronting on two streets at their intersection.

COUNTY. The County of Schuylkill, Commonwealth of Pennsylvania.

COUNTY PLANNING AND ZONING COMMISSION. The Schuylkill County Planning and Zoning Commission and its professional staff.

COURT. An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

DAY CARE CENTER. See “Child or Adult Day Care Facility”

DAY CARE HOME. See “Child or Adult Day Care Facility”

DECK. An exterior floor system composed of wood, man-made wood like materials and/or other wood like materials supported on at least two (2) opposing sides by an adjoining structure and/or posts, piers or other independent supports and is designed for outdoor living purposes as an accessory use to a residential structure.

DEDICATION. The deliberate appropriation of land by its owner for any general and public, or limited public, use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DENSITY. A measure of the number of dwelling units which occupy, or may occupy, an area of land.

DENSITY FACTORS. Numerical values applied to residential dwelling unit types for the purpose of computing permitted densities.

DENSITY, GROSS RESIDENTIAL. The number of dwelling units in relation to an area of land actually in use or proposed to be used for residential purposes, excluding public rights-of-way, whether exterior or interior, but including interior parking areas and access lanes, sidewalks, parks, playgrounds, common open spaces, etc. In the case of applications for Planned Residential Development, "gross residential density" is defined as the number of dwelling units per acre, computed by dividing the number of dwelling units proposed by the number of acres in the development exclusive of areas to be devoted to commercial use.

DENSITY, NET RESIDENTIAL. The number of dwelling units in relation to the land area actually in use or proposed to be used for residential purposes, exclusive of public rights-of-way, streets, sidewalks, parks, playgrounds, common open spaces, etc.

DEVELOPER. Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings, manufactured homes, mobile homes, or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DEVELOPMENT PLAN. The provisions for development including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DOG KENNEL. See "Kennel."

DRIVE-IN SERVICE PLACE. An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in a motor vehicle. Accessory services provided for customers which do not require the direct assistance of personnel of the establishment outside of the confines of the building (e.g. self-service gasoline pumps, vending machines, automatic teller machines etc.) shall not be encompassed in this definition.

DRIVEWAY. A private drive providing access between a public or private street and a permitted use or structure.

DWELLING, ATTACHED (TOWNHOUSE OR ROW). A building having two side party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.

DWELLING, MULTIPLE FAMILY. A detached building (apartment house) or group of attached buildings (townhouse/row) designed for or used exclusively for residence purposes by more than two (2) families.

DWELLING, SINGLE FAMILY, ATTACHED (TOWNHOUSE OR ROW). A building used by one family and having two side party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.

DWELLING, SINGLE FAMILY, DETACHED. A detached building designed for or occupied exclusively by one family, including an individual mobilehome not located in a mobilehome park.

DWELLING, SINGLE FAMILY, SEMI-DETACHED (DUPLEX). A dwelling containing two (2) dwelling units which are attached side by side by the use of a party wall.

DWELLING, TWO FAMILY, ATTACHED (TOWNHOUSE OR ROW). A building used by two families and having two side party walls in common with other dwellings, except in the case of an end-of-row unit which only has one side wall which is a party or lot-line wall.

DWELLING, TWO FAMILY, DETACHED. A dwelling containing two (2) dwelling units, one of which is located above the other.

DWELLING, TWO FAMILY, SEMI-DETACHED. A building used by two families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building.

DWELLING UNIT. One (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for one (1) family.

EASEMENT. The authorization by a property owner of a right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee of the easement.

ENGINEER, BOROUGH. The Borough Engineer or any consultant designated by Borough Council to review a subdivision or land development plan and perform the duties of engineer in behalf of the Borough.

ENGINEER, PROFESSIONAL. A person duly licensed as a professional engineer by the State of Pennsylvania.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies or private corporations under contract to a municipality, of gas, electrical, telephone, steam or water transmission or distribution system, and sewage disposal systems, including buildings, enclosures, wells, pumping stations, storage facilities, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic light signals, hydrants, and other similar equipment and accessories and services in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other agencies or private corporations under contract to a municipality including firehouses or fire companies and emergency services under agreement with the municipality or for the public health or safety or general welfare.

FACADE. The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

FAMILY. An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple related by blood, marriage or adoption (including persons receiving formal foster care), who are occupying the same dwelling unit and are living and cooking together as a single housekeeping unit, exclusive of household servants; provided that a group of four or more persons living and cooking together as a single housekeeping unit though not so related shall not be deemed to constitute a family.

Notwithstanding the definition in the preceding paragraph, a family shall be deemed to include four or more persons not so related occupying a dwelling unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition. See "Group Home."

FENCE. Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land. Fences shall include "electric" and "barbed/razor wire fences" but not "invisible" fences.

FINANCIAL SECURITY. A form of security including a cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow account from a federal or Commonwealth chartered lending institution. (Amended May 23, 2023)

FLOODPLAIN. A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a 100 year flood.

FLOOR AREA OF A BUILDING. The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA, HABITABLE. The sum of the gross horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen or bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathrooms, closets or unheated areas such as enclosed porches or rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven (7) feet, and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the habitable floor area.

FOSTER CARE. The twenty-four (24) hour substitute care of children provided in a substitute home by persons who may or may not be related to a child. Foster care is provided in lieu of parental care and is arranged through a private or public agency.

GARAGE, PRIVATE. A building for the private use of the owner or occupant of a principal building, which may or may not be situated on the same lot of the principal building, for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GARAGE, PUBLIC. A building designed and used for the storage of automotive vehicles operated as a business enterprise with a service charge or fee being paid to the owner or operator for the parking or storage of privately owned vehicles.

GARDENING. The cultivation of herbs, fruits, flowers, or vegetables, excluding the keeping of livestock.

GLARE. The effect produced by light with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility. (Amended May 23, 2023)

GOVERNING BODY. Borough Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania.

GRADE, FINISHED. The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GREEN AREA. The portion of a lot which may not be occupied or covered by buildings or paved areas.

GROUP FACILITY. Any one of the following group living arrangements:

COMMUNITY REHABILITATION FACILITY/HALFWAY HOUSE. Group living quarters for persons who need specialized housing, treatment and/or counseling that (a) provides supervised housing as an alternative to imprisonment, including but not limited to pre-release, work-release, probationary programs, or active criminal rehabilitation, or

(b) provides treatment/housing for persons convicted of driving under the influence of alcohol or drugs.

EMERGENCY SHELTER FOR HOMELESS. A structure or part thereof operated by a private corporation as a temporary or transitional shelter for persons who lack fixed, regular, and adequate nighttime residences. Rules of conduct, such as curfew, may be established by the shelter operator as a condition of residency; however, residents are in no way incarcerated. Such facility shall be designed to provide shelter for homeless adults and/or children only until permanent living arrangements can be obtained.

GROUP CARE FACILITY. An institutional care facility, licensed, registered or certified under an applicable County, Commonwealth or Federal agency, in which persons with physical or mental disabilities, including persons recovering from drug or alcohol addictions, reside while receiving therapy or counseling for their disability prior to moving into more permanent living arrangements in family dwellings, or nursing, convalescent or similar health care facilities.

SHELTER FOR ABUSED PERSONS. A temporary group residence operated by a public agency or private corporation which provides a safe and supportive environment for persons who because of actual or threatened physical domestic violence or mental abuse are forced to leave their previous residence. Such facility shall be designed to provide shelter for at-risk adults and/or children only until a safe, permanent living arrangement can be obtained.

TEMPORARY SHELTER. A structure or part thereof operated on a nonprofit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment-related relocation activities, or who have bona fide emergency housing needs.

TRANSITIONAL HOUSING FACILITY. Group living quarters that provides ~~transitional~~ housing for groups such as, but not limited to, unwed mothers. Transitional housing facilities are not facilities that (a) provide supervised housing as an alternative to imprisonment, including but not limited to pre-release, work-release, probationary programs, or active criminal rehabilitation; (b) provide treatment/housing for persons convicted of driving under the influence of alcohol or drugs; (c) provide housing for persons with physical or mental disabilities, including persons recovering from drug or alcohol addictions, while receiving therapy or counseling for their disability prior to moving into more permanent living arrangements; or (d) shelters as defined in this Ordinance.

GROUP HOME. A dwelling shared by handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible to meet their maximum potential.

As used herein, the term "handicapped" shall mean having:

- (1) a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
- (2) a record of having such an impairment; or
- (3) being regarded as having such an impairment.

However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

HISTORIC RESOURCE. A building, site, object or district that is determined to be of local, county, state or national significance.

HOME BUSINESS. An occupation, profession, activity or use conducted within a residential dwelling by the resident-operator and not more than two (2) nonresident employees. Home business uses are intended to be of a service nature and not involve the purchase and/ or sale of goods. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. There shall be no exterior evidence of the home business except a permitted sign and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare. Home businesses are limited to fifty (50) percent of the total floor area of the principal building and any accessory building(s) in existence on the date of enactment of this ordinance. Since the use may be of such nature that may require regular visits by customers and/or deliveries, off-street parking space(s) will be required in addition to the spaces required for the residential use. (See HOME OCCUPATION).

HOME GARDENING. A plot of land used for the cultivation of vegetables or fruits and used solely by the property owner or occupant and not for resale.

HOME OCCUPATION. An occupation, profession, activity or use conducted within a residential dwelling solely by the residents thereof. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character. The use shall be of such nature that will not require regular visits by customers and/or deliveries. There shall be no exterior evidence of the home occupation and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare. Home occupations are limited to twenty-five (25) percent of the total

floor area of the principal building and any accessory building(s) in existence on the date of enactment of this ordinance. (See HOME BUSINESS).

HOMEOWNERS ASSOCIATION. An incorporated non-profit organization operating under recorded land agreements through which (a) each lot and/or home owner in a cluster development or other described land area is automatically a member, (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

HOTEL. A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building as an accessory use.

IMPERVIOUS AREA. Any portion of a lot covered by impervious surfaces.

IMPERVIOUS COVERAGE. Any portion of a lot covered by impervious surfaces. (Amended May 23, 2023)

IMPERVIOUS SURFACE. Any surface that has been compacted or covered over with a building, structure, or layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, limerock, or clay, as well as stone/graveled driveways and parking areas and most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures and paved areas. (Amended May 23, 2023)

INDUSTRIAL PARK. A tract of land laid out in accordance with an over-all plan for a group of industries with separate building sites designed and arranged on streets and with utility services, setbacks, side yards, landscaped yards, covenants controlling the architecture and uses.

INDUSTRIAL USE.

General Industrial Use: Manufacturing or storage uses which, because of their shipping, storage and other requirements, should not be located in close proximity to residential areas.

Light Industrial Use: Manufacturing or storage uses which are characterized by uses of large sites, attractive buildings and inoffensive processes, and which can be compatible with neighboring residential uses.

JUNK YARD. An area and/or structure used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material or for the collecting, dismantling, storage and salvaging of machinery or vehicles primarily not in running condition and for the sale of parts thereof.

KENNEL. A facility which houses or is designed for keeping more than three (3) birds or animals, six (6) months in age or older.

- a. Boarding Kennel. A facility available to the general public, where more than three (3) dogs are boarded for a specified period of time or housed for training purposes. This shall also include facilities operated by a licensed veterinarian in the treatment of animals.
- b. Breeding Kennel. A facility operated for the purpose of breeding, buying, selling or in any way transferring more than three (3) dogs for research or non research purposes.

LAND DEVELOPMENT. Any of the following activities:

- a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- b. A subdivision of land.
- c. Excluded from this definition of land development are the following:
 - (1) the conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - (2) the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
 - (3) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as the location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LAND USE ORDINANCE. Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, and VII of the Pennsylvania Municipalities Planning Code.

LANDOWNER. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPING. The planting of turf, trees, shrubs, and other appropriate vegetative materials and ground cover within the open areas of a lot other than for agricultural purposes, and including the maintenance and replacement thereof, for the purposes of erosion control, retention of precipitation, protection against the elements and promotion of human comfort and welfare.

LAUNDRY, SELF-SERVICE. A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises.

LIFE CARE COMMUNITY. A planned development designed for the elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals and culminating in a full health and continuing care nursing home facility. Such facility may also include a community center, personal service shops, recreation areas and common open areas. (Amended October 11, 2017)

LOADING SPACE. An off-street space on the same lot with contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

LOT. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit, and having frontage on a dedicated street or road.

Corner lot: A lot at the junction of and abutting on two or more intersecting streets where the interior angle of intersection does not exceed 135 degrees. A lot abutting a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street lines intersect at an interior angle of less than 135 degrees.

Flag lot: A lot or parcel that has been approved with access provided to the bulk of the lot by means of a narrow corridor. Said lot has less frontage on a public street than is normally required.

Interior lot: Any lot other than a corner lot.

Through lot: A lot extending between and having frontage on two streets.

LOT AREA. The area contained within the property lines of a lot excluding space within any public right-of-way, but including the area of any easement(s).

LOT AVERAGING. A development design option which allows some lots within a development to be larger or smaller than is otherwise required by a zoning district, provided the average lot size is equal to or greater than the requirements of the district and that no common open space is provided.

LOT COVERAGE. See Building Coverage. (Amended May 23, 2023)

LOT DEPTH. A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT FRONTAGE. The lot dimension measured along the street line of any street abutting a lot.

LOT LINE. A line dividing one lot from another lot or from a street or alley. In most instances, a lot line is also a property line. However, wherever a property line borders or is within a public street, the lot line shall be considered to be the existing street right-of-way line.

Lot Line, Front: On an interior lot, the lot line abutting the street; on a corner or through lot, each lot line which abuts a street; on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Lot Line, Rear: The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line.

Lot Line, Side: Any lot line that is not a front or rear lot line.

LOT WIDTH. The mean horizontal distance between the side lot lines measured at right angles to its depth. Required lot width shall be measured at the most forward allowable building line or setback line; however, the mean lot width shall not be less than the required lot width.

MARQUEE. A permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MEDIATION. A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

MEDICAL CENTER/CLINIC. The use of land and/or a building for examination, diagnosis, and treatment of ill or afflicted human outpatients, including office, laboratory and dispensaries for the use of physicians, dentists, technicians and pharmacists.

MICROWAVE ANTENNA FOR SATELLITE COMMUNICATION. A ground-based reflector, together with its pedestal and any other attachments and parts thereof, used or intended to receive or transmit radio or electromagnetic waves from an overhead satellite or other sources.

MINI-WAREHOUSE/SELF-STORAGE FACILITY. A structure containing separate storage spaces of equal or varying sizes, leased or rented on an individual basis. (Amended October 9, 2013)

MIXED OCCUPANCY. Occupancy of a building for more than one use.

MIXED USE. Occupancy of a building for more than one (1) use.

MOBILEHOME. A transportable, single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILEHOME LOT. A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

MOBILEHOME PARK. A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobilehome lots for the placement thereon of mobile homes.

MOBILE HOME SUBDIVISION. An area designed exclusively for mobilehomes, and mobile dwelling units where lots are sold and not rented.

MODULAR HOUSING UNIT. A structure designed primarily for family dwelling, eating, sleeping and with complete year-round facilities. It is constructed at a location other than the building lot and transported to the building lot in one or more segments where it is permanently set upon a foundation. The means of transporting a modular housing unit is not an integral part of the structure.

MOTEL. A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges, auto courts and other similar designations but shall not be construed to include mobile or immobile trailers or homes.

MPC. The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended and as may in the future be amended.

MUNICIPAL USE. Any use owned or operated by the Borough or an authority created by the Borough.

MUNICIPALITY. The Borough of Orwigsburg, Schuylkill County, Pennsylvania.

NONCONFORMING LOT. A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE. A structure or part of a structure manifestly not designed to comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE. A use, whether of land or of a structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted where such use was lawfully in existence prior to the enactment of such ordinance or amendment to its location by reason of annexation.

NON-RESIDENTIAL. Any use other than a dwelling. An institutional use, in which persons may reside, such as a dormitory, prison, nursing home, or hospital, shall be considered a non-residential use.

NURSING OR CONVALESCENT HOME. A building designed and used for the full-time care of human beings and which may include housing or lodging, meals, and nursing care.

OFFICE. A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

OFFICE PARK. A tract of land designed and developed from a single, unified plan involving the layout of lots, buildings and improvements together with a landscaping and open space plan in order to achieve a campus theme and efficient use of shared utilities and roads.

ON-LOT UTILITIES.

Sewage Disposal System:	Any septic system or structure designed to biochemically treat sewage within the boundaries of an individual lot.
Water Distribution System:	A system for supplying and distributing potable water to a single dwelling or other building from a source located on the same lot.

OPEN SPACE. An area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, lawns, decorative plantings, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas and watercourses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

OPEN SPACE, COMMON. (See COMMON OPEN SPACE)

PaDEP. The Department of Environmental Protection of the Commonwealth of Pennsylvania.

PARKING LOT. An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking. (Amended August 9, 2017)

PARKING SPACE. An off-street space available for the parking of a motor vehicle and which, in this Ordinance, is held to be an area ten (10) feet wide and twenty (20) feet long, exclusive of passage ways and driveways appurtenant thereto and giving access thereto. (Amended October 11, 2017)

PARTY WALL. A common, shared wall between two (2) separate structures, buildings, or dwelling units.

PATIO. An area or courtyard constructed of impervious surface such as concrete, pavers, stone or similar materials which is not covered by a roof or permanent awning and is designed for outdoor living purposes as an accessory use to a residential structure. A patio with footers, for the purpose of this Ordinance shall be considered a structure which must comply with the applicable yard requirements of this Ordinance.

PERMANENT FOUNDATION. The term permanent foundation as it relates specifically to mobilehomes shall include a "skirt" around the perimeter of the mobilehome which shall be of masonry construction upon footers set below the frost line and oriented to the perimeter of the mobilehome so as to provide a weather-tight joint on all four sides.

PERSONAL SERVICES. Includes such uses as barber shops, beauty salons, photographic studios, tailor, dress-making, millinery shops and dry cleaning / laundry drop-off points.

PET KENNEL. See "Kennel."

PLAN. The map or plan of a subdivision or land development, whether preliminary or final.

PLANNED RESIDENTIAL DEVELOPMENT. An area of land controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the Orwigsburg Borough Zoning Ordinance.

PLANNING CODE. See "MPC."

PLANNING AND ZONING COMMISSION. Borough of Orwigsburg Planning and Zoning Commission.

PLAT. Same as "Plan."

PORCH. A roofed or unroofed structure projecting from the front, side or rear wall of a building.

PREMISES. The area occupied by a business or other commercial, professional or industrial enterprise. When more than one such enterprise occupies a building, each business area shall be considered a separate premises.

PRINCIPAL BUILDING. A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

PRINCIPAL SOLAR ENERGY SYSTEM (PSES). An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal Solar Energy Systems consist of one (1) or more free-standing ground or roof-mounted solar collection devices, solar related equipment and other accessory structures and buildings

including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures. (Amended May 23, 2023)

PRINCIPAL USE. The main purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

PRIVATE. Not publicly owned, operated or controlled.

PROPERTY LINE. A recorded boundary of a lot. (See Lot Line).

PUBLIC. Owned, operated or controlled by a government agency (Federal, State or local, including a corporation created by law for the performance of certain specialized governmental functions and the Board of Public Education).

PUBLIC GROUNDS. includes the following:

- a. parks, playgrounds, trails, paths and other recreational areas and other public areas;
- b. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- c. publicly owned or operated scenic and historic sites.

PUBLIC HEARING. A formal meeting held pursuant to public notice by the Borough Council, Zoning Hearing Board or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC MEETING. A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No.84), known as the "Sunshine Act."

PUBLIC NOTICE. Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

RECREATION, ACTIVE. Leisure time activities, usually of a more formal nature and performed with other individuals, often requiring equipment and taking place at prescribed places, site or fields. Such areas usually require physical alteration to the area before they can occur and are intensively used, such as playgrounds, ball courts and swimming pools.

RECREATION, PASSIVE. Leisure time activities, usually of an informal nature and which can be carried out with little alteration or disruption to the area in which they occur, such as hiking and picnicking.

RECREATIONAL VEHICLE. A vehicle (regardless of size) which is designed as a temporary dwelling for travel, recreational and vacation uses (regardless of whether it is self-propelled

or is designed to be towed or carried by another vehicle). "Recreational vehicle" includes campers, pickup coaches, travel trailers or motor homes.

REGISTERED PROFESSIONAL. A person duly licensed as a professional engineer, surveyor, geologist or landscape architect by the Commonwealth of Pennsylvania.

RENEWABLE ENERGY SOURCE. Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

REPAIR SERVICES. Includes such uses as radio, television and appliance repair shops, plumbing shops, carpenter shops, and shoe repair shops.

RESTAURANT. A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

RESTAURANT, DRIVE-IN. An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

RESTAURANT, FAST-FOOD. An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not served at the same table or counter where the items are consumed.

RETAIL BUSINESS. Includes such uses as variety stores, apparel stores, drug stores, grocery stores, eating establishments, antique shops, music shops, sporting goods stores, and book, stationery, magazine, candy and tobacco shops.

RETAIL STORE/SALES. Retail stores are those businesses whose primary activities involve the display and retail sales of goods and products. This term shall not include adult-related facilities as defined herein.

RETIREMENT (ADULT) COMMUNITY. A development of individual or multiple dwellings, which may also include a community center, and which is designed for adult individuals and/or couples who do not have resident dependent children. The residents thereof need not be actually retired from their occupation or employment.

RIGHT-OF-WAY. The total width of any land reserved or dedicated as a street, road, or other public or semi-public purposes.

ROOMING HOUSE. See "Boarding House."

ROOMING UNIT. Any habitable room or group of rooms forming a single habitable unit, used or intended to be used for living and sleeping, but not for cooking or eating.

SCHOOL, COMMERCIAL. A school that may offer a wide range of educational or instructional activities that may, or may not, be operated as a gainful business by some person or organization other than the school district.

SCHOOL, ELEMENTARY. Any school licensed by the Commonwealth of Pennsylvania and which meets the requirements for elementary education.

SCHOOL, NURSERY. Any place licensed by the Commonwealth of Pennsylvania and which is authorized to provide regular instruction and daytime care for two or more children under the age of elementary school.

SCHOOL, SECONDARY. Any school licensed by the Commonwealth of Pennsylvania and which is authorized to award diplomas for secondary education.

SCREENING. The use of plant or landscaping materials, fencing, walls and/or earthen berms to aid in the concealment of one element of a development from other elements or from adjacent or contiguous development.

SEPARATION. The required horizontal distance or space between two or more objects (i.e., as in minimum separation distances between buildings in a multi-family development).

SETBACK. The setback of a building from a particular lot line is the horizontal distance from such lot line to the building setback line nearest such lot line.

SHOPPING CENTER. A group of stores planned, designed and constructed to function as a unit for the lot on which it is located with off-street parking provided as an integral part of the unit.

SIGN. Any structure, device, fixture or placard that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Specific sign types are defined as follows:

Animated/
Moving Sign:

A sign employing actual motion or the illusion of motion. Animated signs, which are different from changeable signs as defined and regulated in this Ordinance, include the following types:

1. Electrically activated. Animated signs producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below.
 - a. Flashing. Animated signs or animated portions of signs whose illumination is characterized by a

repetitive cycle of intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling. For the purposes of this Ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

- b. Patterned illusionary movement. Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.
- 2. Environmentally activated. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinners, pinwheels, pennant strings and/or other devices or displays that respond to naturally occurring external motivation.
- 3. Mechanically activated. Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

Banner:	Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
Beacon:	Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
Building Marker:	Any sign indicating the name of a building and data and incidental information about its construction, which sign is cut into a masonry surface or made bronze or other permanent material.
Building Sign:	Any sign attached to any part of a building, as contrasted to a freestanding sign.
Canopy Sign:	Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outside service area. A marquee is not a canopy.

Changeable Sign: A sign with the capability of content change by means of manual or remote input, including signs which are:

1. Manually activated. Changeable sign whose message copy or content can be changed manually, or
2. Electrically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. (See also "Electronic Message Sign or Center")

Commercial Message:

Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

Electronic Reader Board/Message Center:

An electrically activated changeable sign whose variable message capability can be electronically programmed. A sign that contains a changing message within the copy area that remains on for a specified minimum period of time and blacks out for a specified period of time between messages. Messages contained on the sign do not travel or appear to travel in any direction.

Flag:

Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flashing Sign:

See "Animated/Moving Sign, electrically activated."

Freestanding Sign:

Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Identification Sign:

Any sign indicating the name and address of an occupant of a building.

Incidental Sign:

A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Marquee Sign:	Any sign attached to, in any manner, or made part of a marquee. A marquee sign is a type of wall-mounted sign.
Nonconforming Sign:	Any sign which does not conform to the requirements of this ordinance.
Pennant:	Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, usually in series, designed to move in the wind.
Portable Sign:	Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A-frames or T-frames; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles or trailers parked and visible from the public right-of way, unless said vehicle or trailer is used in the normal day-to-day operations of the business. Portable signs shall be regulated in the same manner as temporary signs.
Projecting Sign:	Any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.
Residential Sign:	Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of this ordinance.
Roof Sign:	Any sign erected and constructed wholly on and over the roof of building supported by the roof structure, and extending vertically above the highest portion of the roof.
Roof Sign, Integral:	Any sign erected or constructed as an integral or essentially integral part of a normal roof structure or design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
Sidewalk Sign:	A sign, such as a menu or sandwich board, which is placed on the sidewalk area of the public right-of-way adjoining the business or use it advertises and which is not attached to any structure, utility pole or tree.
Suspended Sign:	A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign:	Any sign that is used temporarily and is not permanently mounted.
Wall Sign:	Any sign attached parallel to, but within twelve (12) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
Window Sign:	Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

SIGN SETBACK. The distance from the lot line or street right-of-way to the nearest part of the applicable sign, measured perpendicularly to the lot line or street right-of-way line, whichever is further from the street.

SITE PLAN. A plan of a lot or subdivision on which is shown topography, location of all buildings, structures, roads, right-of-way, boundaries, all essential dimensions and bearings and any other information deemed necessary by the Borough Council, Planning Commission or Zoning Hearing Board in unusual or special cases.

SOCIAL SERVICE AGENCY. A nonprofit, government-sponsored or governmental agency that provides personal and/or family counseling, financial counseling and/or support, job training and/or referral and other human support services.

SOLAR ENERGY. Radiant energy (direct, diffuse, and/or reflective) received from the sun.(Amended May 23, 2023)

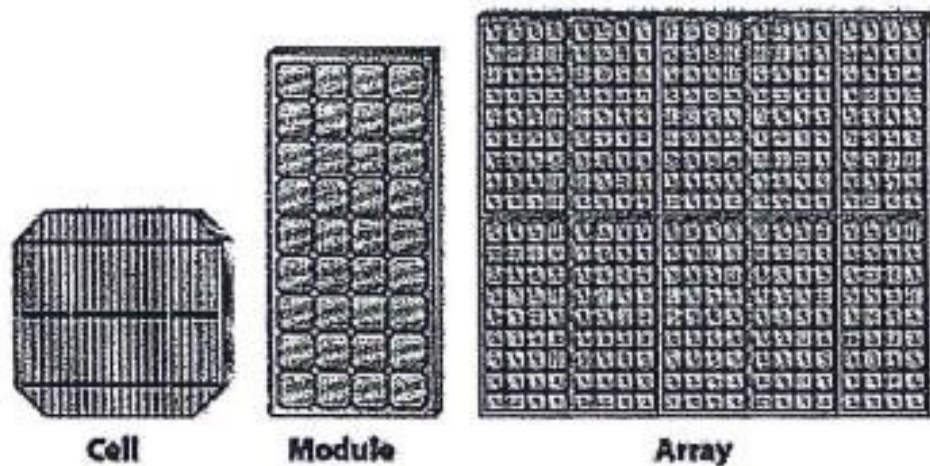
SOLAR RELATED EQUIPMENT: (Amended May 23, 2023)

SOLAR ARRAY. A grouping of multiple solar modules with purpose of harvesting solar energy.

SOLAR CELL. The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR MODULE. A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR PANEL. That part or portion of a solar energy system containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and/or electricity.



SPECIAL EXCEPTION USE. A use in one or more districts for which the Zoning Hearing Board may grant a special use permit pursuant to the provisions of this Ordinance.

STORY. A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished ceiling or roof above it. A "split level" story shall be considered a second story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two (2) feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if it averages more than five (5) feet above grade.

STREET, PRIVATE. A private thoroughfare which affords principal means of vehicular access to abutting properties, but not planned for dedication. This does not include an alley or a driveway. (Amended October 11, 2017)

STREET, PUBLIC. A public thoroughfare that is owned by the Borough or State. which affords principal means of vehicular access to abutting properties. This does not include an alley or a driveway. (Amended October 11, 2017)

STREET LINE. The street line is that line determining the limit of the street or highway right of the public, either existing or contemplated. Where a definite right-of-way width has not been established, the street line shall be assumed to be at a point twenty-five (25) feet from the centerline of the existing street.

STRUCTURE. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. The term structure shall include buildings, signs, stadiums, platforms, communication towers, porches or decks covered by a permanent roof, swimming pools (above ground or below ground), storage sheds, carports, garages, pump stations, booster stations and power stations. Driveways, walkways, parking lots, sidewalks and utility lines shall not be considered a structure. (Amended October 11, 2017)

SUBDIVIDER. The Applicant and/or Developer.

SUBDIVISION. The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lot s, tracts, parcels or other divisions of land including changes in existing

lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure.

TAVERN. An establishment where alcoholic beverages are primarily sold to be consumed on the premises and which is not clearly primarily a standard restaurant.

THEATER. A building or part of a building devoted to the showing of moving pictures or theatrical productions on a commercial basis.

TIMBERING (TIMBER HARVESTING). The cutting down and removal of trees and logs to be converted to any forest product.

TINY HOME. A dwelling that is constructed on a movable trailer, not intended to be placed on a permanent foundation, regardless if it is to be used for a temporary home or a permanent home, shall be considered and regulated a Recreational Vehicle.
(Amended October 11, 2017)

TRAVEL LANE. A lane of a street or highway which is used for travel by vehicles.
(Amended February 13, 2013)

TRAVEL TRAILER. A vehicular portable structure built on a chassis (motorized home, converted bus, tent trailer, tent or similar device) designed to be used as a temporary dwelling for travel and recreational purposes.

USE. The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained.

VARIANCE. The permission granted by the Zoning Hearing Board following a public hearing that has been properly advertised as required by Act 247, as amended, for an adjustment to some regulation which, if strictly adhered to, would result in an unnecessary hardship and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

VEHICLE BODY SHOP. A building or structure on a lot that is used for the repair or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles, trucks and other vehicles for conveyance.

VEHICLE REPAIR GARAGE. A building or structure on a lot designed and/or used primarily for mechanical and/or body repairs, storage, or servicing to automobiles, trucks and similar vehicles.

VEHICLE SERVICE STATION. A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which may include accessory facilities for rendering vehicle services such as lubrication, washing and minor repairs.

VEHICLE WASH. A building on a lot, designed and used primarily for the washing and polishing of motor vehicles and which may provide accessory services as set forth herein for Vehicle Service Stations.

WATERCOURSE. A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake, or other body of surface water, carrying or holding surface water, whether natural or manmade.

WATER SURVEY. An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.

WETLAND. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

WIND ENERGY CONVERSION SYSTEM. A device which converts wind energy to electrical or mechanical energy.

WIND ROTOR. A structure which contains the blades and hub that are used to capture wind for purposes of energy conversion. The wind rotor is usually located on a tower and along with other generating and electrical storage equipment, forms the Wind Energy Conversion System.

YARD. The open, unoccupied space on a lot between the lot line and the front, rear and side building lines.

Front Yard:	An unoccupied space, open to the sky, between the front lot line (road right-of-way line) and the building line of the principal building closest to the front lot line. In the case of a corner lot possessing frontage on two or more public streets, the front yard shall mean that yard which is adjacent to the front lot line on the street of address and all other yards abutting streets shall be considered secondary front yards.
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Required Front Yard:	An unoccupied space, open to the sky, extending along the full width of a front lot line between side lot lines and from the front lot line to the front building setback line in depth.
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Required

Secondary Front Yard: An unoccupied space, open to the sky, extending along the full width of a secondary front lot line between front and side (or rear) lot lines and from the secondary front lot line to the secondary front building setback line in depth.

Rear Yard: An unoccupied space, open to the sky, between the rear lot line and the building line of the principal building that is closest to the rear lot line.

Required Rear Yard: An unoccupied space, open to the sky, extending across the full width of the lot and lying between the rear lot line and the rear building setback line. Rear yard depth shall be measured at right angles to the rear lot line. In the case of a corner lot possessing frontage on two or more public streets, the rear yard shall be that yard which is opposite and most distant from the front lot line on the street of address.

Side Yard: An unoccupied space, open to the sky, between the side lot line and the side building line of the principal building. In most cases, a lot has two (2) side yards located on opposite sides of the principal building.

Required Side Yard: An unoccupied space, open to the sky, lying between the side lot line and the nearest side building setback line and extending from the front yard to the rear yard, or in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to side lines of the lot.

ZERO LOT LINE. The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

ZONE LOT. (Defined for sign regulation purposes only). A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by this ordinance.

ZONING DISTRICT. A portion of the Borough or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance (or the adjacent municipality's Zoning Ordinance).

ZONING HEARING BOARD. The Zoning Hearing Board of and for the Borough of Orwigsburg.

ZONING MAP. The Zoning Map of Orwigsburg Borough adopted hereunder, together with all amendments thereto subsequently adopted.

ZONING/CODE ENFORCEMENT OFFICER. The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms. The Zoning Officer may be the Code Enforcement Officer and serve both offices of the Borough.

ZONING PERMIT. A written statement issued by the Zoning/Code Enforcement Officer, authorizing buildings, structures or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provision.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS AND MAP

SECTION 3.01 - LIST OF DISTRICTS. For the purpose of this Ordinance, the territory of Orwigsburg Borough is hereby divided into the following districts:

Base Districts

R-E - Residential Estate Districts

R-S - Residential Suburban Districts

R-I - Low Density Residential Districts

R-2 - Medium Density Residential Districts

R-3 - High Density Residential Districts

V - Village Districts

C - Commercial Districts

I-1 - General Industrial Districts

I-2 - Transition Industrial Districts

Overlay Districts

S-S - Steep Slope Conservation Districts

F-H - Flood Hazard Districts

SECTION 3.02 - ZONING MAP. The boundaries of said districts shall be shown upon the map attached to and made a part of this Ordinance which shall be designated "Orwigsburg Borough Zoning Map." The said map and all the notations, references and other data shown thereon are hereby incorporated by reference into this Ordinance as if all were fully described herein. A copy of said map, indicating the latest amendments, shall be kept up to date and displayed for the use and benefit of the public at the Orwigsburg Borough Municipal Building.

SECTION 3.03 - INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of the districts shown on the Zoning Map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following municipality limits shall be construed as following municipality limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines and, in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers or other bodies of water shall be construed to follow such centerlines;
- F. Boundaries indicated as parallel to or extensions of features indicated in subsections A. through E. above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;
- G. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in circumstances not covered by subsections A. through F. above, the Zoning Hearing Board shall interpret the district boundaries.

SECTION 3.04 - USE ADJUSTMENT ON DISTRICT BOUNDARIES. In unsubdivided land where a district boundary line divides a lot held in single and separate ownership, the following rules shall apply:

- A. The use in a less restricted district may extend over the portion of the lot in the more restricted district, a distance of not more than fifty (50) feet beyond the district boundary line providing such extension does not extend the frontage of the less restricted district along a street.
- B. The frontage of the less restricted district may extend over the portion of the lot in the more restricted district, a distance of not more than fifty (50) feet beyond the district line providing a variance is granted by the Zoning Hearing Board.
- C. Where a district boundary divides a lot, the permitted use of either district may extend not more than 50 feet into the other district.

ARTICLE IV

CONFORMANCE REQUIRED

SECTION 4.01 - APPLICATION OF DISTRICT REGULATIONS. The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all the regulations herein specified for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
 - 1. To exceed the height,
 - 2. To accommodate or house a greater number of families,
 - 3. To occupy a greater percentage of lot area or
 - 4. To have narrower or smaller required rear yards, front yards, side yards or other open spaces;than herein required except in conformance with the provisions of this Ordinance.
- C. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein except in conformance with the provisions of this Ordinance. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 4.02 - USES NOT PROVIDED FOR. When a specific use is neither permitted nor prohibited in the schedule of district regulations, the Zoning Hearing Board shall make a determination as to the similarity or compatibility of the use in question to the permitted uses in the district basing the decision on the overall intent stipulated for the district.

If a use is neither specifically permitted nor prohibited under this Ordinance and an application is made by a landowner to the Zoning/Code Enforcement Officer for such use, the Zoning/Code Enforcement Officer shall refer the application to the Zoning Hearing Board to hear and decide such request as a special exception. The Zoning Hearing Board shall permit the use or deny the use in accordance with the standards for

consideration of special exceptions contained herein. The use may be permitted if it is of the same general character of the enumerated permitted uses in the zoning district, in accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district, and shall comply with all performance standards applicable to such permitted uses. The duty to present evidence and the burden of proof shall be on the applicant to demonstrate that the proposed use is of the same general character in accordance with the intended purpose of the zoning district, compatible with the permitted uses in the zoning district and shall comply with all performance standards applicable to such permitted uses in the zoning district.

SECTION 4.03 - REDUCTION OF UNITS. Any person requesting to reduce the number of dwelling units in a structure must make request to the planning and zoning commission in writing. If the planning and zoning commission approves the request, the applicant will be notified in writing that the applicant may not use the unit(s) approved for reduction without (1) filing a written request for an increase in units. Any such request for increase in units will be subject to the ordinance provisions in affect at the time of submission of such request.

ARTICLE V

SPECIAL OVERLAY DISTRICTS

S-S STEEP SLOPE CONSERVATION DISTRICT

SECTION 5.01 - PURPOSE AND GENERAL PROVISIONS.

- A. The purposes of the establishment and control of the Steep Slope Conservation District are as follows:
1. To promote the public health, safety and welfare by the protection of steep slope areas, which are subject to erosion when disturbed and which exacerbate storm water run-off problems during and following construction.
 2. To permit only those uses of steep slope areas which are compatible with the conservation of natural conditions and which maintain stable soil conditions by (a) minimizing disturbances to vegetative ground covers; and (b) restricting the regrading of steep slope areas.
 3. To limit soil erosion, siltation of streams, and damage to private and public property.
 4. To protect low-lying areas from flooding by limiting the increase in stormwater runoff caused by grading of sloped areas, changes of ground cover, or the erection of structures.
 5. To maintain the ecological integrity of steeply sloped areas which could be adversely affected by disturbances.
 6. To foster the continuing replenishment of groundwater resources and the maintenance of springs.
- B. General provisions relating to the Steep Slope Conservation District are as follows:
1. No area within the Steep Slope Conservation District shall hereafter be used without full compliance with the terms of this Article and other applicable regulations.
 2. The Steep Slope Conservation District established hereby shall be an overlay on any zoning district(s) now or hereafter enacted to regulate the use of land in Orwigsburg Borough.
 - a. The Steep Slope Conservation District shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Steep Slope Conservation District, as defined herein, and said uses are in

conflict with the permitted uses in the Steep Slope Conservation District.

- b. In those areas of the Borough where the Steep Slope Conservation District applies, the requirements of the Steep Slope Conservation District, if more restrictive, shall supersede the requirements of the underlying zoning district(s).
 - c. Should the Steep Slope Conservation District boundaries be changed or eliminated as a result of legislative or administrative actions or judicial decision, the zoning requirements applicable to the area in question shall revert to the requirements of the underlying zoning district(s) without consideration of the provisions relating to the Steep Slope Conservation District.
 - d. For any parcel or any part thereof on which the Steep Slope Conservation District is an overlay, should the underlying zoning classification(s) be changed as a result of legislative or administrative actions or judicial decision, such change(s) in classification shall have no effect on the boundaries of the Steep Slope Conservation District, unless an amendment to said boundaries was included as part of the proceedings from which the subsequent change(s) originated.
3. The provisions hereof relating to the Steep Slope Conservation District shall not repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where the provisions relating to the Steep Slope Conservation District impose greater restrictions, such provisions shall prevail.
4. Any determination that a proposed use complies with the provisions of the Steep Slope Conservation District, or any approval of a subdivision or land development plan, or any issuance of a zoning and/or building permit within or near the Steep Slope Conservation District shall not constitute a representation, guarantee, or warranty of any kind by the Borough, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon the Borough, its officials or employees. The provisions relating to the Steep Slope Conservation District do not imply that areas outside the Steep Slope Conservation District boundaries or land uses permitted within said District will be free from the adverse effects of erosion.

SECTION 5.02 - DESIGNATION AND INTERPRETATION OF DISTRICT BOUNDARY.

- A. The Steep Slope Conservation District consists of two areas which are delineated and defined as follows:
 1. Prohibitive Slope - Prohibitive slopes are those of greater than twenty-five (25) percent slope.
 2. Precautionary Slope - Precautionary slopes are those of fifteen (15) to twenty-five (25) percent slope.

- B. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. For the purposes of this Ordinance, slope shall be measured over three (3) adjacent two (2) foot contour intervals (six (6) cumulative vertical feet of slope).
- C. The Zoning Officer and/or Borough Engineer shall make a determination of the boundary of the steeply sloping area by using available mapping and in-field verification. A determination of the Zoning Officer and/or Borough Engineer may be appealed to the Zoning Hearing Board.

An Applicant may, at his own option and expense, provide a topographic survey with an application for a zoning permit, which survey shall then be considered as the delineation of slope. Said topographic survey shall be certified by a registered surveyor or engineer licensed to practice in the Commonwealth of Pennsylvania indicating contours at two-foot intervals which are based on an official benchmark.

- D. Areas of steep slope that may be excluded from the use regulations of Sections 5.03 and 5.04 of this Ordinance include the following:
 - 1. Areas of steep slopes that are less than three thousand (3,000) square feet in area.
 - 2. Isolated areas having a steep slope for a horizontal dimension of less than thirty feet (30'), and which are not within a seventy-five foot (75') radius of any other steep slope.
- E. Boundary Interpretation and Appeals Procedure.
 - 1. Each application for construction, land disturbance or subdivision containing land within the Steep Slope Conservation District shall be submitted in accordance with such other provisions of the Ordinances of Orwigsburg Borough as are applicable thereto. Any area of the Steep Slope Conservation District that falls within the subject lot or lots shall be shown on the site plan through shading of such area or areas.
 - 2. Any party seeking land development and/or subdivision approval in what might be a Steep Slope Conservation District shall have the burden to present evidence of the boundaries of the District in the area in question. This presentation must include applicable topographic data with respect to the property and any other pertinent documentation for consideration.

SECTION 5.03 - PERMITTED USES IN THE STEEP SLOPE CONSERVATION DISTRICT.

A. Standards Applicable to All Uses within Steep Slope Conservation Districts.

1. All grading shall be minimized.
2. Finished slopes of all cuts and fills shall not exceed 33%, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.

B. Uses Permitted in Areas of Prohibitive Slope. The following are the only uses permitted as of right in areas of Prohibitive Slope. Such uses also shall be in compliance with the base zoning district, and shall not involve the erection of buildings, construction of streets, installation of sewage disposal systems, or permanent removal of topsoil.

1. Parks and outdoor recreational uses, consistent with the goals of watershed protection.
2. Logging and woodcutting, where such activity is limited to highly selective removal of trees. Maximum precautions shall be taken to avoid destruction of or injury to understory brush and trees.
3. Grading for the minimum portion of a driveway necessary to access a single-family dwelling when it can be demonstrated that no other routing which avoids slopes exceeding 25 percent is feasible.
4. Yard areas of a building not within the Steep Slope Conservation District, so long as no building is within the Prohibitive Slope area.

C. Uses Permitted in Areas of Precautionary Slope. The following are the only uses permitted as of right in areas of Precautionary Slope, provided they also are in compliance with the base zoning district and all other provisions of this Ordinance:

1. Any use permitted in the area of Prohibitive Slope.
2. Tree farming, forestry, and other agricultural uses when conducted in conformity with conservation practices, including minimum tillage methods, approved by SCS or the Schuylkill County Conservation District.
3. Single-family detached dwellings.
4. Yard areas of a building not within the Steep Slope Conservation District, so long as no building other than that permitted in Section 5.03 is permitted within the Precautionary Slope area.
5. Sealed public water supply wells, where approved by all regulatory agencies.

SECTION 5.04 - USES BY SPECIAL EXCEPTION

- A. Any of the following uses shall be permitted in areas of Precautionary Slope as a Special Exception when approved by the Zoning Hearing Board, subject to requirements of this Section. Consideration for granting of a Special Exception shall include the extent to which the requested uses will disrupt the stability of soils and natural vegetation and contribute to erosion during and after construction.
1. Access roads that shall be suitable for the passage of emergency vehicles in the event of fire or accident. Such roads shall be constructed only when no viable alternative for emergency access exists.

SECTION 5.05 - ADMINISTRATION OF THE STEEP SLOPE CONSERVATION DISTRICT.

- A. Application Procedures. Before a permit is issued for any construction or land disturbance activity on land within or affecting the Steep Slope Conservation District, the following material, in full or in pertinent parts, shall be submitted for review by the Borough:
1. An engineered site plan of the property, consistent with the applicable requirements of the Orwigsburg Borough Subdivision and Land Development Ordinance, indicating existing grades and proposed grades within the area of the proposed construction. All areas of Prohibitive and/or Precautionary Slope as defined above shall be shaded accordingly.
 2. Landscaping plan indicating proposed impervious surfaces, storm drainage facilities, retaining walls, and ground cover, as well as trees and ornamental shrub locations.
 3. A statement, signed and sealed by a registered architect or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by any slope conditions.
 4. Location and slopes of sides of all proposed cuts and fills.
 5. Plan, profile and typical cross-sections of any proposed driveway, with the seal of a registered professional engineer thereon.
 6. Plan for on-site sewage disposal facilities if use of a public sanitary sewer system is not feasible according to the Borough.

No approval or zoning and/or building permit shall be authorized by the Borough, and no Special Exception shall be granted by the Zoning Hearing Board, without the Borough Engineer's review of this submitted material and his recommendation thereon. If a prohibitive steep slope area extends to the boundary of a proposed site, the slopes on adjacent sites for a distance of two hundred (200) feet in all directions from the boundaries of the site in question shall be additionally presented.

- B. Additional Criteria for Review of Special Exceptions. In evaluating any application for Special Exception, the Zoning Hearing Board shall consider the following factors:
1. The percent of steep slope on the total site.
 2. The extent and proposed disturbance of the existing vegetative cover on the site.
 3. The soil types and underlying geology of the site.
 4. The length of extent of the slope both on the site in question and on adjacent lands within 200 feet of the site.
 5. Evidence that the proposed development, any impervious ground cover and the resultant disturbance to the land and existing vegetative cover will not cause an increase in the rate of runoff and/or related environmental problems on or off the site.

SECTION 5.06 - USES AND OR STRUCTURES RENDERED NON-CONFORMING TO THE STEEP SLOPE CONSERVATION DISTRICT. Following the effective date of the Ordinance adopting the Steep Slope Conservation District, any use or structure which is situated within the boundaries of the Steep Slope Conservation District and which does not conform to the permitted uses specified in Sections 5.03 or 5.04 shall become a nonconforming use or structure, regardless of its conformance to the District in which it is located without consideration of the Steep Slope Conservation District. The expansion or continuance of said nonconforming use or structure shall be governed by the requirements of Article XXII of this Ordinance. However, the Zoning Hearing Board shall also ensure that the standards contained in this Article are applied to the expansion or continuance of said nonconforming use or structure.

F-H FLOOD HAZARD DISTRICTS

SECTION 5.10 - GENERAL PROVISIONS. The Flood Hazard District shall encompass all lands and land developments within the Borough of Orwigsburg which are located within the boundary of a flood plain area as shown on the Flood Insurance Rate Map (FIRM) which accompanies the Flood Insurance Study (FIS) prepared for the Borough by the Federal Emergency Management Agency (FEMA), dated March 2, 1989, (or the most recent revision thereof), which map is incorporated herein by reference.

SECTION 5.11 - CONFORMANCE WITH OTHER REGULATIONS. Uses permitted and procedures to follow for development in the Flood Hazard District are presented in Borough of Orwigsburg Ordinance No. 284, as amended. Said Ordinance supplements other articles of this Zoning Ordinance. To the extent that Ordinance No. 284 imposes greater requirements or more complete disclosures in any respect, or to the extent that the provisions of Said Ordinance are more restrictive, it shall be deemed and interpreted to

control other provisions of the Zoning Ordinance and Borough of Orwigsburg Subdivision and Land Development Ordinance.

SECTION 5.12 - OVERLAY CONCEPT. The Flood Hazard District described above shall be an overlay to the existing underlying districts, as shown on the Official Borough of Orwigsburg Zoning Map, and, as such, the provisions of Ordinance No. 284 shall serve as a supplement to the underlying district provisions.

- A. In the event of any conflict between the provisions or requirements of the Flood Hazard District and those of any underlying zoning district, the more restrictive provisions shall apply.
- B. In the event any provision concerning a Flood Hazard District is declared inapplicable or illegal as a result of any legislative or administrative actions or judicial decision, the regulations of the underlying district shall remain applicable.

ARTICLE VI

RESIDENTIAL DISTRICTS

SECTION 6.00 - R-E RESIDENTIAL ESTATE DISTRICTS

SECTION 6.01 - INTENDED PURPOSE. The R-E Residential Estate District is intended to reserve settings for large-lot estate housing which has become increasingly prevalent within the Borough. Selected locations adjoin existing neighborhoods of similar housing styles, as well as vacant areas with attractive rolling topography to maximize visual appeal. This Zone generally straddles roads that provide for key vehicular access between the “center” of the Borough and PA Route 61. Permitted uses have generally been limited to principal residences, existing agricultural operations and related accessory uses.

SECTION 6.02 - PERMITTED USES.

- A. Single family detached dwelling units.
- B. Group homes.
- C. Essential services facilities, subject to the requirements of Section 10.25.
- D. Public parks, playgrounds and open space.
- E. General gardening and the growing of trees and nursery stock; not including roadside displays, advertising signs or the sale of such items.
- F. Agriculture, truck farming, gardening, flower and tree nurseries, and noncommercial greenhouses, but not including animal husbandry or pet kennels.
- G. Customary accessory uses and buildings incidental to any permitted uses, including:
 - 1. Private garages.
 - 2. Parking lots.
 - 3. Garden houses, tool houses, playhouses or greenhouses not used for commercial purposes.
 - 4. Swimming pools.
 - 5. Home occupations.
 - 6. Family child care homes.
 - 7. Recreation Courts, subject to Section 10.29. (Amended May 23, 2023)
 - 8. Signs, as provided for in Article X.

9. Accessory Solar Energy Systems (ASES), subject to Section 10.40.
(Amended May 23, 2023)
- H. The following Special Exception uses, subject to approval by the Zoning Hearing Board as provided for in Article XIV of this Ordinance.
1. Golf courses and country clubs.
 2. Churches and similar places of religious worship.
 3. Cemeteries.
 4. Public libraries.
 5. Mini-warehouse/self-storage facilities, subject to the requirements of Section 10.37.(Amended October 9, 2013)
 6. Principal Solar Energy Systems (PSES), subject to Section 10.40.
(Amended May 23, 2023)

SECTION 6.03 - LOT WIDTH, LOT AREA AND YARD REQUIREMENTS. Lot width, lot area and setbacks of not less than the dimension shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district: (Amended May 23, 2023)

SINGLE-FAMILY DETACHED DWELLINGS AND PERMITTED NON-RESIDENTIAL USES	
Minimum Lot Area*	1 acre (43,560 square feet)
Minimum Lot Width	150 feet
Setback Requirements	
Required Front Yard - Single Family Dwellings	40 feet
Required Front Yard - Non-Residential Uses	30 feet
Required Rear Yard	30 feet
Required Side Yard	20 feet
Building coverage (maximum) - including accessory structures	30%
Impervious Coverage (maximum - including accessory structures	40%
* Minimum lot area based on availability of public sewer service. Where on-lot sewage disposal is required, lot area in addition to stated minimum may be required, subject to PaDEP approval.	

Certain uses may have additional dimensional requirements from those noted above.

SECTION 6.10 - R-S RESIDENTIAL SUBURBAN DISTRICTS

SECTION 6.11 - INTENDED PURPOSE. The R-S Suburban Residential Districts are composed of agricultural and low density residential areas of the Borough, plus certain open areas where similar residential development appears likely to occur. The regulations for these districts are designed to stabilize and protect the essential characteristics of the area, to protect the environmental amenities of certain areas of the Borough where the

development pattern has not already been established and to promote and encourage a suitable environment for family life. To these ends, development is generally restricted to continuing agricultural operations and single family detached dwellings and related land uses.

SECTION 6.12 - PERMITTED USES.

- A. Agriculture, truck farming, gardening, flower and tree nurseries, and noncommercial greenhouses, but not including animal husbandry or pet kennels.
- B. Single family detached dwelling units.
- C. Group homes.
- D. Open space developments, subject to the requirements of Article XI.
- E. Life care and retirement communities, subject to the requirements of Section 10.21.
- F. Essential services facilities, subject to the requirements of Section 10.25.
- G. Public parks, playgrounds and open space.
- H. General gardening and the growing of trees and nursery stock; not including roadside displays, advertising signs or the sale of such items.
- I. Customary accessory uses and buildings incidental to any permitted uses, including:
 - 1. Private garages.
 - 2. Parking lots.
 - 3. Garden houses, tool houses, playhouses or greenhouses not used for commercial purposes.
 - 4. Swimming pools.
 - 5. Home occupations.
 - 6. Family child care homes.
 - 7. Signs, as provided for in Article X.
 - 8. Microwave antennas for satellite communication
 - 9. Recreation Courts, subject to Section 10.29. (Amended May 23, 2023)
 - 10. Accessory Solar Energy Systems (ASES), subject to Section 10.40. (Amended May 23, 2023)

- J. The following Special Exception uses, subject to the issuance of a permit by the Zoning Hearing Board as provided for in Article XIV.
1. Public and private nursery, elementary and secondary schools and institutions of higher education.
 2. Recreational areas and structures operated by membership clubs.
 3. Golf courses and country clubs.
 4. Cemeteries.
 5. Churches and similar places of religious worship.
 6. Public libraries, community activity buildings and municipal, state or federal buildings.
 7. Home businesses.
 8. Bed and breakfast inns.
 9. Accessory apartments
 10. Communications antennas on existing structures, subject to Section 10.30.
 11. Principal Solar Energy Systems (PSES), subject to Section 10.40. (Amended May 23, 2023)

SECTION 6.13 - LOT WIDTH, LOT AREA AND YARD REQUIREMENTS. Lot width, lot area and set-backs of not less than the dimension shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district. (Amended May 23, 2023)

SINGLE-FAMILY DETACHED DWELLINGS AND PERMITTED NON-RESIDENTIAL USES	
Minimum Lot Area*	1 acre (43,560 square feet)
Minimum Lot Width	150 feet
Setback Requirements	
Required Front Yard	40 feet
Required Rear Yard	30 feet
Required Side Yard	20 feet
Building coverage (maximum) - including accessory structures	30%
Impervious coverage (maximum) - including accessory structures	40%
* Minimum lot area based on availability of public sewer service. Where on-lot sewage disposal is required, lot area in addition to stated minimum may be required, subject to PaDEP approval.	

Certain uses may have additional dimensional requirements from those noted above.

SECTION 6.20 - R-1 LOW DENSITY RESIDENTIAL DISTRICTS

SECTION 6.21 - INTENDED PURPOSE. The R-1 Low Density Residential Districts are composed of low density residential areas of the Borough, plus certain open areas where similar residential development appears likely to occur. The regulations for these districts are designed to stabilize and protect the essential characteristics of the area, to protect the amenities of certain areas of the Borough where the pattern has already been established with single family development on relatively large lots and to promote and encourage a suitable environment for family life. To these ends, development is generally restricted to single family detached dwellings and related land uses.

SECTION 6.22 - PERMITTED USES.

- A. Single family detached dwelling units.
- B. Group homes.
- C. Open space developments, subject to the requirements of Article XI.
- D. Life care and retirement communities, subject to the requirements of Section 10.21.
- E. Essential services facilities, subject to the requirements of Section 10.25.
- F. Public parks, playgrounds and open space.
- G. General gardening and the growing of trees and nursery stock; not including roadside displays, advertising signs or the sale of such items.
- H. Customary accessory uses and buildings incidental to any permitted uses, including:
 - 1. Private garages.
 - 2. Parking lots.
 - 3. Garden houses, tool houses, playhouses or greenhouses not used for commercial purposes.
 - 4. Swimming pools.
 - 5. Home occupations.
 - 6. Family child care homes.
 - 7. Signs, as provided for in Article X.
 - 8. Microwave antennas for satellite communication
 - 9. Recreation Courts, subject to Section 10.29. (Amended May 23, 2023)

10 Accessory Solar Energy Systems (ASES), subject to Section 10.40.
(Amended May 23, 2023)

I. The following Special Exception uses, subject to the issuance of a permit by the Zoning Hearing Board as provided for in Article XIV.

1. Public and private nursery, elementary and secondary schools and institutions of higher education.
2. Recreational areas and structures operated by membership clubs.
3. Golf courses and country clubs.
4. Cemeteries.
5. Churches and similar places of religious worship.
6. Public libraries, community activity buildings and municipal, state or federal buildings.
7. Home businesses.
8. Bed and breakfast inns.
9. Accessory apartments
10. Attached Dwellings, subject to Section 10.28.
11. Communications antennas on existing structures, subject to Section 10.30.
12. Principal Solar Energy Systems (PSES), subject to Section 10.40.
(Amended May 23, 2023)

SECTION 6.23 - LOT WIDTH, LOT AREA AND YARD REQUIREMENTS. Lot width, lot area and set-backs of not less than the dimension shown in the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in this district. (Amended May 23, 2023)

SINGLE-FAMILY DETACHED DWELLINGS AND PERMITTED NON-RESIDENTIAL USES	
Minimum Lot Area*	20,000 s.f.
Minimum Lot Width	100 feet
Setback Requirements	
Required Front Yard	30 feet
Required Rear Yard	30 feet
Required Side Yard	15 ft. each
Building coverage (maximum) - including accessory structures	30%
Impervious coverage (maximum) - including accessory structures	40%
* Minimum lot area based on availability of public sewer service. Where on-lot sewage disposal is required, lot area in addition to stated minimum may be required, subject to PaDEP approval.	

Certain uses may have additional dimensional requirements from those noted above.

SECTION 6.30 - R-2 MEDIUM DENSITY RESIDENTIAL DISTRICTS

SECTION 6.31 - INTENDED PURPOSE. The R-2 Medium Density Residential Districts are composed of certain medium density residential areas of the Borough representing a compatible mingling of one and two family dwellings, plus certain open areas where similar residential development appears likely to occur. The regulations for these districts are designed to stabilize and protect the essential characteristics of the district and to promote and encourage a suitable environment for family life. To these ends, development is limited to medium density concentration, permitting primarily single and two family dwellings.

SECTION 6.32 - PERMITTED USES.

- A. Single family detached dwelling units.
- B. Single family semi-detached dwellings.
- C. Two family and two family semi-detached dwellings.
- D. Group homes.
- E. Life care and retirement communities, subject to the requirements of Section 10.21.
- F. Cluster developments, subject to the requirements of Section 10.27.
- G. Essential services facilities, subject to the requirements of Section 10.25.
- H. Public parks, playgrounds and open space.
- I. General gardening and the growing of trees and nursery stock; not including roadside displays, advertising signs or the sale of such items.
- J. Private garage as a principal use of the lot.
 - 1. All minimum setbacks shall be complied with.
 - 2. The provisions of Sections 10.01 B.4.a.(1)(ii), (2), (3) and (5) shall also apply.
 - 3. The provisions of Section 10.06 B. of this Ordinance shall not apply.
- K. Customary accessory uses and buildings incidental to any permitted uses, including:
 - 1. Private garages.
 - 2. Parking lots.
 - 3. Garden houses, tool houses, playhouses or greenhouses not used for commercial purposes.

4. Swimming pools.
 5. Home occupations.
 6. Family child care homes.
 7. Signs, as provided for in Article X.
 8. Microwave antenna for satellite communication.
 9. Recreation Courts, subject to Section 10.29. (Amended May 23, 2023)
 10. Accessory Solar Energy Systems (ASES), subject to Section 10.40. (Amended May 23, 2023)
- L. The following Special Exception uses, subject to the issuance of a permit by the Zoning Hearing Board as provided for in Article XIV.
1. Conversion apartment dwellings.
 2. Public and private nursery, elementary and secondary schools and institutions of higher education.
 3. Lodging houses and tourist homes.
 4. Recreational areas and structures operated by membership clubs.
 5. Cemeteries.
 6. Churches and similar places of religious worship.
 7. Public libraries, community activity buildings and municipal, state or federal buildings.
 8. Nursing and convalescent homes.
 9. Funeral homes.
 10. Home businesses.
 11. Mini-warehouse/self storage facilities, subject to the requirements of Section 10.37.
 12. Public garages.
 13. Accessory apartments.
 14. Attached Dwellings, subject to Section 10.28.

SECTION 6.33 - LOT WIDTH, LOT AREA AND YARD REQUIREMENTS. Lot width, lot area and set-backs of not less than the dimensions shown on the following table shall be provided for every dwelling unit and/or principal non-residential building hereafter erected or altered for any use permitted in the district. (Amended May 23, 2023)

PERMITTED RESIDENTIAL USES				
	SINGLE-FAMILY DETACHED	SINGLE-FAMILY SEMI-DETACHED	TWO-FAMILY DETACHED	TWO-FAMILY SEMI-DETACHED
Minimum Lot Area*	10,000 s.f.	** 8,000 s.f.	16,000 s.f.	**8,000 s.f.
Minimum Lot Width	80 feet	***60 feet	120 feet	***90 feet
Setback Requirements				
Required Front Yard	30 feet	30 feet	30 feet	30 feet
Required Rear Yard	25 feet	25 feet	25 feet	25 feet
Required Side Yard	10 ft each	****20 feet	20 ft. each	****30 feet
Building coverage (max) - including accessory structures	40%	40%	40%	40%
Impervious coverage (max) - Including accessory structures	50%	50%	50%	50%
* Minimum lot area based on availability of public sewer service. Where on-lot sewage disposal is proposed, lot area in addition to stated minimum may be required, subject to PaDEP approval. ** Per dwelling unit *** Minimum lot width to party wall **** One property line is party wall				
PERMITTED NON-RESIDENTIAL USES				
Subject to the same dimensional requirements as single family detached dwellings.				

Certain uses may have additional dimensional requirements from those noted above.

Maximum Impervious Coverage may be increased by 25% if lot size is 12,000 square feet or less.

SECTION 6.40 - R-3 HIGH DENSITY RESIDENTIAL DISTRICTS

SECTION 6.41 - INTENDED PURPOSE. The R-3 High Density Residential Districts are composed of certain high density residential areas of the Borough representing a compatible mingling of single and multiple family dwellings. The regulations for these districts are designed to stabilize and protect the essential characteristics of the district and to provide for the maximum in housing opportunities for all income levels and encourage a suitable environment for family life. To these ends, development is limited to high density concentration, permitting all types of residential and related uses.

SECTION 6.42 - PERMITTED USES.

- A. Single family detached dwelling units.
- B. Single family attached or semi-detached dwellings.
- C. Two family, two family semi-detached, and two family attached dwellings.
- D. Group homes.
- E. Apartment houses and conversion apartments.
- F. Cluster developments, subject to the requirements of Section 10.27.
- G. Essential services facilities, subject to the requirements of Section 10.25.
- H. Public parks, playgrounds and open space.
- I. General gardening and the growing of trees and nursery stock; not including roadside displays, advertising signs or the sale of such items.
- J. Private garage as a principal use of the lot.
 - 1. All minimum setbacks shall be complied with.
 - 2. The provisions of Sections 10.01 B.4.a.(1)(ii), (2), (3) and (5) shall also apply.
 - 3. The provisions of Section 10.06 B. of this Ordinance shall not apply.
- K. Customary accessory uses and buildings incidental to any permitted uses, including:
 - 1. Private garages.
 - 2. Parking lots.
 - 3. Garden houses, tool houses, playhouses or greenhouses not used for commercial purposes.

4. Swimming pools.
 5. Home occupations.
 6. Family child care homes.
 7. Signs, as provided for in Article X.
 8. Microwave antenna for satellite communication.
 9. Recreation Courts, subject to Section 10.29. (Amended May 23, 2023)
 10. Accessory Solar Energy Systems (ASES), subject to Section 10.40. (Amended May 23, 2023)
- L. The following special exception uses, subject to the issuance of a permit by the Zoning Hearing Board as provided for in Article XIV.
1. Public and private nursery, elementary and secondary schools and institutions of higher education.
 2. Boarding houses.
 3. Recreational areas and structures operated by membership clubs.
 4. Cemeteries.
 5. Churches and similar places of religious worship.
 6. Public libraries, community activity buildings and municipal, state or federal buildings.
 7. Nursing and convalescent homes.
 8. Funeral homes.
 9. Barber shops and beauty parlors.
 10. Home businesses.
 11. Mini-warehouse/self storage facilities, subject to the requirements of Section 10.37.
 12. Mobile home parks and subdivisions, provided that each mobile home park and extensions thereof shall conform to the requirements of the Orwigsburg Borough Subdivision and Land Development Ordinance.
 13. Public garages.
 14. Accessory apartments.

15. Accessory commercial uses.

SECTION 6.43 - LOT WIDTH, LOT AREA AND YARD REQUIREMENTS. Lot width, lot area and set-backs of not less than the dimensions shown on the following table shall be provided for every dwelling unit and/or principal nonresidential building hereafter erected or altered for any use permitted in this district. (Amended May 23, 2023)

PERMITTED RESIDENTIAL USES				
	SINGLE-FAMILY DETACHED	SINGLE-FAMILY SEMI-DETACHED	TWO-FAMILY DETACHED	TWO-FAMILY SEMI-DETACHED
Minimum Lot Area*	7,500 s.f.	**6,000 s.f.	12,000 s.f.	**6,000 s.f.
Minimum Lot Width	60 feet	***45 feet	90 feet	***75 feet
Setback Requirements				
Maximum Required Front Yard	15 feet	15 feet	15 feet	15 feet
Required Rear Yard	20 feet	20 feet	20 feet	20 feet
Required Side Yard	8 ft. each	****16 feet	16 ft. each	****24 feet
Building coverage (max) - including accessory structures	50%	50%	50%	50%
Impervious coverage (max) - Including accessory structures	60%	70%	60%	70%
* Minimum lot area based on availability of public sewer service. Where on-lot sewage disposal is required, lot area in addition to stated minimum may be required, subject to PaDEP approval. ** Per dwelling unit *** Minimum lot width to party wall **** One property line is party wall				

Certain uses may have additional dimensional requirements from those noted above.

Maximum Impervious Coverage may be increased by 25% if lot size is less than 12,000 square feet.

APARTMENT HOUSES	
Minimum Lot Area	4,000 sq.ft. per dwelling unit
Setback Requirements	
Maximum Required Front Yard	15 feet
Required Rear Yard	20 feet
Required Side Yard	16 feet

ATTACHED DWELLINGS (TOWNHOUSES/ROW)	
Density and Area Requirements	
Maximum Gross Density	8 dwelling units/acre
Interior Lot Width (minimum)	20 feet
Maximum Required Front Yard Setback	15 feet
Required Side Yard for End Units (minimum)	16 feet
Required Rear Yard (minimum)	20 feet
No less than three (3) and no more than six (6) dwelling units shall be permitted in a group of townhouses.	
Note: All multi-family dwellings (apartment houses and townhouse/row dwellings) must be served by public water and sewer.	
PERMITTED NON-RESIDENTIAL USES	
Subject to the same dimensional requirements as single family detached dwellings.	

Certain uses may have additional dimensional requirements from those noted above.

SECTION 6.44 - EXCEPTIONS TO FRONT YARD REQUIREMENTS IN THE R-3 DISTRICT.

- A. The front wall of any new building or structure shall not be located farther from the street than the front wall of the nearest existing adjacent building or structure in the R-3 District. However, in no case shall the front wall of the building be set back farther than fifteen (15) feet from the front property line.
- B. ACCESSORY STRUCTURES. In the R-3 District, no accessory structures or buildings shall be located closer to the front lot line than the face of the principal building. Accessory structures or buildings located in any side yard or in the building area to the side of the principal building shall be screened from the street in accordance with the screening requirements of Section 10.15.

SECTION 6.50 - GENERAL REQUIREMENTS FOR ALL RESIDENTIAL DISTRICTS

- A. MINIMUM OFF-STREET PARKING REQUIREMENTS. Off-street parking shall be provided in accordance with Article X.
- B. HABITABLE FLOOR AREA. The minimum habitable floor area of any new building hereafter erected, altered or designed shall be in accordance with the following schedule:

<u>Habitable Floor Area</u>	<u>No. of Bedrooms per Dwelling Unit</u>
300 Sq. Ft.	0
400 Sq. Ft.	1
700 Sq. Ft.	2 or More

- C. BUILDING HEIGHT. No building shall exceed two and one-half (2.5) stories or thirty-five (35) feet in height, unless authorized as a Special Exception.

ARTICLE VII

V - VILLAGE DISTRICT

SECTION 7.00 - PURPOSE. The purpose of the Village District is to promote the in-filling of land within the older, built-up areas by permitting a mix of land uses that will be compatible with the established character of the community.

SECTION 7.01 - PERMITTED USES. In the V - Village District, no building or premises shall be used and no building shall be erected, which is arranged, intended or designed to be used in whole or in part, for any purpose except those listed below, and all such uses shall be subject to the applicable provisions of the Orwigsburg Borough Subdivision and Land Development Ordinance and those regulations specified elsewhere in this Ordinance.

- A. Single family detached dwelling units.
- B. Single family attached or semi-detached dwellings.
- C. Two family, two family semi-detached, and two family attached dwellings.
- D. Group homes.
- E. Apartment houses and conversion apartments.
- F. Retail business, business and professional offices, business services, personal services, repair services and restaurants, excluding drive-in service places and shopping centers, subject to the following:
 - 1. No outside storage of materials shall be permitted.
 - 2. The applicant shall demonstrate that sufficient off-street parking facilities will be provided to accommodate the needs generated by such use.
 - 3. Such businesses shall be of such a size and scope of activity that they do not constitute an unreasonable commercialization of the district, which would adversely affect nearby residential uses.
- G. Essential services facilities, providing that they do not include materials storage, storage for trucks, repair facilities or housing quarters for repair crews, subject to the requirements of Section 10.25.
- H. Public parks, playgrounds and open space.
- I. Public and private parking lots and public garages.
- J. Home businesses.

- K. Indoor theaters, auditoriums and similar activities in buildings that were in existence on the date of the adoption of this Ordinance, or amendment thereto.
- L. Customary accessory uses and buildings incidental to any permitted uses, including:
 - 1. Private garages.
 - 2. Parking lots.
 - 3. Garden houses, tool houses, playhouses or greenhouses not used for commercial purposes.
 - 4. Swimming pools.
 - 5. Home occupations.
 - 6. Family child care homes.
 - 7. Signs, as provided for in Article X.
 - 8. Microwave antenna for satellite communication
- M. The following special exception uses, subject to the issuance of a permit by the Zoning Hearing Board as provided for in Article XIV.
 - 1. Public and private nursery, elementary and high schools and institutions of higher education.
 - 2. Boarding houses.
 - 3. Recreational areas and structures operated by membership clubs.
 - 4. Churches and similar places of religious worship.
 - 5. Public libraries, community activity buildings and municipal, state or federal buildings.
 - 6. Nursing and convalescent homes.
 - 7. Funeral homes.
 - 8. Bed and breakfast inns.
 - 9. Day Care Centers.
 - 10. Self-service laundries.
 - 11. Accessory apartments.
 - 12. Accessory commercial use.
 - 13. Recreation Courts, subject to Section 10.29. (Amended May 23, 2023)

14. Amusement/video arcade / pool/billiard hall, subject to Section 10.31.
15. Accessory Solar Energy Systems (ASES), subject to Section 10.40. (Amended May 23, 2023)

SECTION 7.02 - LOT WIDTH, LOT AREA AND YARD REQUIREMENTS. Lot width, lot area and set-backs of not less than the dimensions shown on the following table shall be provided for every dwelling unit and/or principal non-residential building hereinafter erected or altered for any use permitted in this district. (Amended May 23, 2023)

PERMITTED RESIDENTIAL USES				
	SINGLE-FAMILY DETACHED	SINGLE- FAMILY SEMI- DETACHED	TWO- FAMILY DETACHED	TWO-FAMILY SEMI- DETACHED
Minimum Lot Area*	5,000 s.f.	**4,000 s.f.	8,000 s.f.	**4,000 s.f.
Minimum Lot Width	40 feet	***30 feet	60 feet	***45 feet
Setback Requirements				
Maximum Required Front Yard	15 feet	15 feet	15 feet	15 feet
Required Rear Yard	20 feet	20 feet	20 feet	20 feet
Required Side Yard	8 ft. each	****8 feet	12 ft. each	****16 feet
Building coverage (max) - including accessory structures	50%	50%	50%	50%
Impervious coverage (max) - Including accessory structures	60%	70%	60%	70%
* Minimum lot area based on availability of public sewer service. Where on-lot sewage disposal is required, lot area in addition to stated minimum may be required, subject to PaDEP approval. ** Per dwelling unit *** Minimum lot width to party wall **** One property line is party wall				
Maximum Impervious Coverage may be increased by 25% if lot size is less than 12,000 square feet.				
APARTMENT HOUSES				
Minimum Lot Area	3,000 sq.ft. per dwelling unit			
Setback Requirements				
Maximum Required Front Yard	15 feet			
Required Rear Yard	20 feet			
Required Side Yard	12 feet			
ATTACHED DWELLINGS (TOWNHOUSES/ROW)				
Density and Area Requirements				
Maximum Gross Density	10 dwelling units/acre			
Interior Lot Width (minimum)	18 feet			
Maximum Required Front Yard Setback	15 feet			
Required Side Yard for End Units (minimum)	8 feet			
Required Rear Yard (minimum)	20 feet			
No less than three (3) and no more than six (6) dwelling units shall be permitted in a group of townhouses.				
Note: All multi-family dwellings (apartment houses and townhouse/row dwellings) must be served by public water and sewer.				
PERMITTED NON-RESIDENTIAL USES				
Subject to the same dimensional requirements as single family detached dwellings.				

Certain uses may have additional dimensional requirements from those noted above.

SECTION 7.03 - EXCEPTIONS TO FRONT YARD REQUIREMENTS IN THE VILLAGE DISTRICT. The front wall of any new building or structure shall not be located farther from the street than the front wall of the nearest existing adjacent building or structure in the Village District. However, in no case shall the front wall of the building be set back farther than fifteen (15) feet from the front property line.

SECTION 7.04 - GENERAL REQUIREMENTS FOR ALL USES IN THE VILLAGE DISTRICT

- A. MINIMUM OFF-STREET PARKING REQUIREMENTS. Off-street parking shall be provided in accordance with Article X.
- B. HABITABLE FLOOR AREA. The minimum habitable floor area of any new building hereafter erected, altered or designed shall be in accordance with the following schedule:

<u>Habitable Floor Area</u>	<u>No. of Bedrooms per Dwelling Unit</u>
300 Sq. Ft.	0
400 Sq. Ft.	1
700 Sq. Ft.	2 or More

- C. BUILDING HEIGHT. No building shall exceed four (4.0) stories or forty-five (45) feet in height, unless authorized as a special exception.
- D. ACCESSORY STRUCTURES. In the Village District, no accessory structures or buildings shall be located closer to the front lot line than the face of the principal building. Accessory structures or buildings located in any side yard or in the building area to the side of the principal building shall be screened from the street in accordance with the screening requirements of Section 10.15.

ARTICLE VIII

C - COMMERCIAL DISTRICTS

SECTION 8.01 - INTENDED PURPOSE. This district is intended solely for the convenience shopping of persons residing in adjacent residential areas and is designed to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs.

SECTION 8.02 - PERMITTED USES.

- A. Stores and shops for the conducting of any generally recognized retail business, but not to include "drive-in service places."
- B. Personal service shops and repair services.
- C. Restaurants and other business establishments serving food and beverages, but not to include the "drive-in service places."
- D. Medical centers/clinics.
- E. Business and professional offices and banks.
- F. Self-service laundries and dry cleaning pick-up points.
- G. Indoor theaters, auditoriums, bowling alleys and similar activities.
- H. Offices and workshops of a plumber, electrician, decorator or similar trade, and baking, printing and similar establishments.
- I. Mixed commercial/residential uses, subject to Section 10.32.
- J. Day care centers.
- K. Animal hospitals and pet grooming services, subject to Section 10.35.
- L. Kennels, subject to Section 10.36.
- M. Other uses similar to the above and subject to the following regulations:
 - 1. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on premises where produced.
 - 2. All businesses servicing or processing, except for off-street parking and loading, shall be conducted within completely enclosed buildings.
- N. Essential services facilities, subject to the requirements of Section 10.25.
- O. Public libraries and municipal buildings and uses.

- P. Public and private parking lots and garages.
- Q. Day care centers.
- R. Customary accessory uses and buildings incidental to any of the above permitted uses, including but not limited to the following:
 - 1. Signs in accordance with the provisions of Article X.
 - 2. Parking lots and private garages.
 - 3. Microwave antenna for satellite communication.
- S. The following Special Exception uses upon the issuance of a permit by the Zoning Hearing Board as provided in Article XIV.
 - 1. Motels and hotels.
 - 2. Drive-in service places.
 - 3. New and used automobiles sales lots and buildings.
 - 4. Hospitals.
 - 5. Office parks.
 - 6. Shopping centers/commercial cluster developments, subject to Section 10.27.
 - 7. Accessory commercial uses.
 - 8. Amusement/video arcade / pool/billiard hall, subject to Section 10.31.
 - 9. Outdoor recreation uses.
 - 10. Community centers.
- T. The following Conditional Uses, upon the issuance of a permit by Borough Council as provided in Article XIV.
 - 1. Vehicle service stations, body shops and repair garages, providing that the following standards and conditions are complied with.
 - a. A set of plans, specifications and plat plans are submitted to Borough Council showing all structures, pumps, storage tanks, parking areas and driveways for ingress and egress.
 - b. All pumps shall be located outside of buildings and on private property and, in no case, within twenty (20) feet of any street line; and

subject to such conditions and safeguards as Borough Council may impose with respect to, among other matters, the location and adequacy of entrances and exits.

- c. All automobile parts, dismantled vehicles and similar articles are stored within a building; all fuel, oil or similar substances are stored at least thirty-five (35) feet from any street or lot line.
2. Vehicle washes.
3. Principal Solar Energy Systems (PSES), subject to Section 10.40. (Amended May 23, 2023)

SECTION 8.03 - LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS.

- A. Residential uses in the C - Commercial Districts shall comply with the lot area, building height and yard requirements of the R-3 High Density Residential District.
- B. Lot Area, Building Height and Yard Requirements for Non-Residential Uses.
 1. There is no minimum lot area for non-residential uses in the C - Commercial Districts.
 2. Each non-residential use shall have a required front yard of twenty (20) feet and a required rear yard of twenty (20) feet.
 3. Detached non-residential buildings shall have required side yards no less than ten (10) feet in width.
 4. Where two or more non-residential buildings abut side to side, no side yard will be required; provided that where a series of abutting buildings parallel a public right-of-way, an open and unobstructed passage for vehicles of not less than twenty (20) feet shall be provided at grade level at intervals of not less than one hundred fifty (150) feet.
 5. No building shall exceed two and one-half (2.5) stories or thirty-five (35) feet in height, unless authorized as a Special Exception.
 6. Detached non-residential buildings shall be located not closer than twenty (20) feet to any side property line abutting a residential district or lot used for residential purposes. (Amended May 23, 2023)
 7. Each non-residential use shall have a maximum building coverage of 60% and a maximum impervious coverage of 80%. (Amended May 23, 2023)

SECTION 8.04 - MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

- A. Off-street parking shall be provided in accordance with Article X.
- B. Off-street loading shall be provided in accordance with Article X.

SECTION 8.05 - GENERAL REQUIREMENTS. Where C - Commercial Districts abut any R-1, R-2 or R-3 Residential District, a landscaped strip of not less than ten (10) feet in width shall be planted and maintained with appropriate vegetative landscaping materials. Such vegetative planting, including any architectural screens or fences, shall not be less than five (5) feet in height, except on corner lots where a clear sight area as defined in Article X shall be maintained.

ARTICLE IX

INDUSTRIAL DISTRICTS

SECTION 9.00 - I-1 GENERAL INDUSTRIAL DISTRICTS

SECTION 9.01 - INTENDED PURPOSE. These districts are designed to provide land for various light industrial and manufacturing uses that are not offensive in terms of excessive dust, smoke, fumes, glare noise or other nuisances. Districts designated are intended for use primarily by industries characterized by the absence of objectionable external effects, attractive building architecture and landscaping, with the purpose of encouraging compatibility within the districts and to surrounding or adjacent districts. To these ends, development is limited to low concentration with minimal external and internal nuisances and applicable to industries adaptable to an environment of this nature. These regulations are designed to stabilize and protect the essential characteristics of the district by excluding uses which would have a detrimental effect upon the orderly development and function of the district.

SECTION 9.02 - PERMITTED USES.

- A. Light manufacturing, fabrication, processing, packaging, compounding or assembling of the following:
1. Agricultural, food and kindred products, but not including rendering, slaughtering or tanning plants.
 2. Furniture and fixtures.
 3. Printing, publishing and allied industries.
 4. Textile mill and apparel products.
 5. Professional, scientific and controlling instruments; photographic and optical goods.
 6. Canvas products made of purchased canvas.
 7. Fabricated metal products and metal working.
 8. Woodworking, cabinets and handicraft products.
 9. Electronics and small parts assembly.
 10. Other similar uses which, in the opinion of the Zoning Hearing Board and subject to any conditions that the Board may specify, will not be objectionable by reason of noise, vibration or other nuisance characteristics causing noxious odor or atmospheric effluents beyond the boundaries of the district in which such uses are located.

- B. Warehousing and wholesaling establishments and storage yards, but not including junk yards.
- C. Laundries, laundry services and cleaning plants.
- D. Public utility buildings, structures and yards, treatment plants and pump stations, heating and electric power generation plants.
- E. Essential services facilities, subject to the requirements of Section 10.25.
- F. Business and professional offices.
- G. Public and private parking lots and public garages.
- H. Customary accessory uses and buildings incidental to any of the above permitted uses.
- I. The following Special Exception uses, upon the issuance of a permit by the Zoning Hearing Board as provided in Article XIV.
 - 1. Junk yards used for storage, wrecking and converting used or discarded materials, provided such use is completely enclosed within a wall or fence of not less than eight (8) feet in height.
 - 2. Industrial parks/industrial cluster developments, subject to Section 10.27.
 - 3. Retail sales of products produced and/or assembled on the premises as an accessory use to a permitted manufacturing product or process.
 - 4. Communications antennas and towers, subject to Section 10.30.
 - 5. Recreation uses.
 - 6. Community centers.
 - 7. Light manufacturing, fabrication, processing, packaging, compounding or assembling of pharmaceutical, medicinal, drug and biological products.
 - 8. Wind Energy Conversion Systems, subject to Section 10.23.
- J. The following Conditional Uses, upon the issuance of a permit by Borough Council as provided in Article XIV.
 - 1. Vehicle service stations, body shops and repair garages, providing that the following standards and conditions are complied with.
 - a. A set of plans, specifications and plot plans are submitted to Borough Council showing all structures, pumps, storage tanks, parking areas and driveways for ingress and egress.

- b. All pumps shall be located outside of buildings and on private property and, in no case, within twenty (20) feet of any street line; and subject to such conditions and safeguards as Borough Council may impose with respect to, among other matters, the location and adequacy of entrances and exits.
 - c. All automobile parts, dismantled vehicles and similar articles are stored within a building; all fuel, oil or similar substances are stored at least thirty-five (35) feet from any street or lot line.
- 2. Vehicle washes.
- 3. Adult book stores and adult theaters, subject to Section 10.18.
- 4. Community Rehabilitation Facility/Halfway Houses, Group Care Facilities, Shelters for Abused Persons, and Emergency Shelters for Homeless, subject to Section 10.38.
- 5. Principal Solar Energy Systems (PSES), subject to Section 10.40. (Amended May 23, 2023)

SECTION 9.03 - LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS.

- A. There is no minimum lot area in the I-1 -General Industrial Districts.
- B. Each use in the I-1 District shall have a required front yard of thirty (30) feet, a required rear yard of thirty (30) feet and required side yards not less than twenty (20) feet in width.
- C. No building shall exceed three (3) stories or forty-five (45) feet in height, unless authorized as a Special Exception.
- D. Each use in the I-1 District shall have a maximum building coverage of 60% and a maximum impervious coverage of 80%. (Amended May 23, 2023)

SECTION 9.10 - I-2 TRANSITION INDUSTRIAL DISTRICTS

SECTION 9.11 - INTENDED PURPOSE. These districts are designed to provide for the continuation of existing light industrial and manufacturing uses in the Borough, allow for the establishment of similar uses, and provide for the conversion of former industrial sites to other compatible uses. Districts designated are intended for use primarily by industries and other uses characterized by the absence of objectionable external effects, with the purpose of encouraging compatibility within the districts and to surrounding or adjacent districts.

SECTION 9.12 - PERMITTED USES.

- A. Light manufacturing, fabrication, processing, packaging, compounding or assembling of the following:

1. Furniture and fixtures.
 2. Printing, publishing and allied industries.
 3. Textile mill and apparel products.
 4. Professional, scientific and controlling instruments; photographic and optical goods.
 5. Fabricated plastic or metal products and metal working.
 6. Woodworking, cabinets and handicraft products.
 7. Electronics and small parts assembly.
 8. Other similar uses which, in the opinion of the Zoning Hearing Board and subject to any conditions that the Board may specify, will not be objectionable by reason of noise, vibration or other nuisance characteristics causing noxious odor or atmospheric effluents beyond the boundaries of the district in which such uses are located.
- B. Warehousing and wholesaling establishments and storage yards, but not including junk yards.
- C. Retail sales of products produced and/or assembled on the premises as an accessory use to a permitted manufacturing product or process.
- D. Public utility buildings, structures and yards, treatment plants and pump stations, heating and electric power generation plants.
- E. Essential services facilities, subject to the requirements of Section 10.25.
- F. Business and professional offices.
- G. Personal service shops and repair services.
- H. Public libraries and municipal buildings and uses.
- I. Public and private parking lots and garages.
- J. Customary accessory uses and buildings incidental to any of the above permitted uses.
- K. The following Special Exception uses, upon the issuance of a permit by the Zoning Hearing Board as provided in Article XIV.
1. Conversion apartments, subject to Section 10.13
 2. Indoor theaters, auditoriums, bowling alleys and similar activities.

3. Community centers.
 4. Stores and shops for the conducting of any generally recognized retail business, but not to include "drive-in service places."
 5. Restaurants and other business establishments serving food and beverages, but not to include the "drive-in service places."
 6. Medical centers/clinics.
 7. Offices and workshops of a plumber, electrician, decorator or similar trade, and baking, printing and similar establishments.
 8. Day care centers, subject to Section 10.20.
 9. Mixed commercial/residential uses, subject to Section 10.32.
 10. Laundries, laundry services and cleaning plants.
 11. Communications antennas and towers, subject to Section 10.30.
 12. Churches and similar places of religious worship.
- L. The following Conditional Uses, upon the issuance of a permit by Borough Council as provided in Article XIV.
1. Vehicle service stations, body shops and repair garages, providing that the following standards and conditions are complied with.
 - a. A set of plans, specifications and plot plans are submitted to Borough Council showing all structures, pumps, storage tanks, parking areas and driveways for ingress and egress.
 - b. All pumps shall be located outside of buildings and on private property and, in no case, within twenty (20) feet of any street line; and subject to such conditions and safeguards as Borough Council may impose with respect to, among other matters, the location and adequacy of entrances and exits.
 - c. All automobile parts, dismantled vehicles and similar articles are stored within a building; all fuel, oil or similar substances are stored at least thirty-five (35) feet from any street or lot line.
 2. Vehicle washes.
 3. Principal Solar Energy Systems (PSES), subject to Section 10.40. (Amended May 23, 2023)

SECTION 9.13 - LOT AREA, BUILDING HEIGHT AND YARD REQUIREMENTS.

- A. Residential uses in the I-2 -Transition Industrial Districts shall comply with the lot area, building height and yard requirements of the R-3 High Density Residential District.
- B. Lot Area, Building Height and Yard Requirements for Non-Residential Uses.
 - 1. There is no minimum lot area for non-residential uses in the I-2 -Transition Industrial Districts.
 - 2. Each industrial use shall have a required front yard of thirty (30) feet, a required rear yard of thirty (30) feet and required side yards not less than twenty (20) feet in width.
 - 3. Unless provided for elsewhere in this Ordinance, each non-residential and non-industrial use shall have a required front yard of thirty (30) feet, a required rear yard of twenty (20) feet and required side yards not less than ten (10) feet in width.
 - 4. No building shall exceed three (3) stories or forty-five (45) feet in height, unless authorized as a Special Exception.
 - 5. Each non-residential use shall have a maximum building coverage of 60% and a maximum impervious coverage of 80%. (Amended May 23, 2023)

SECTION 9.20 - GENERAL REQUIREMENTS FOR ALL INDUSTRIAL DISTRICTS

- A. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.
 - 1. Off-street parking shall be provided in accordance with Article X.
 - 2. Off-street loading shall be provided in accordance with Article X.
- B. Where an industrial use is proposed to be located adjacent to a non-industrial use, a landscaped strip along the common property line of not less than ten (10) feet in width shall be planted and maintained with appropriate vegetative landscaping materials. Such vegetative planting, including any architectural screens or fences, shall not be less than five (5) feet in height, except on corner lots where a clear sight area as defined in Article X shall be maintained.
- C. SIGN REQUIREMENTS - Signs shall be permitted in accordance with Article X.

ARTICLE X

SUPPLEMENTARY REGULATIONS

The provisions of this Ordinance shall be subject to such exceptions, additions or modifications as herein provided by the following supplementary regulations.

SECTION 10.01 - ACCESSORY BUILDINGS AND STRUCTURES (Amended May 23, 2023)

- A. An accessory building attached to a principal building shall comply in all respects with the yard requirements of this Ordinance for the principal building.
- B. Detached accessory buildings and structures.
 - 1. Detached accessory buildings and structures shall be located to the rear of the front building line of the principal building and shall conform to the side yard requirements in respect to the principal building.
 - 2. Detached accessory buildings constructed at the same time may be located in pairs or groups on contiguous lots in the required rear yards along the common side lot line or rear lot line.
 - 3. Accessory buildings and structures for principal uses other than residential shall be located not closer than twenty (20) feet to any side or rear property line abutting a residential district or lot used for residential purposes.
 - 4. Detached accessory buildings, structures, or uses in residential districts. In the R-E, R-S, R-1, R-2, R-3 and V Districts, the following additional regulations apply:
 - a. Detached accessory Building or Structure.
 - (1) Maximum building footprint:
 - (i.) Lot smaller than 43,560 sf (1 acre) in the R-E, R-S and R-1 Districts:

1,200 square feet. This maximum building footprint may be increased only through a special exception granted by the Zoning Hearing Board.
 - (ii.) Lot smaller than 43,560 sf (1 acre) in the R-2, R-3 and V Districts:

1,000 square feet. This maximum building footprint may be increased only through a special exception granted by the Zoning Hearing Board.

(iii.) If lot is between 43,560 sf (1 acre) and 87,120 sf (2 acres) in size, regardless of Zoning District, the maximum building footprint may be increased to 1,600 square feet as long as a single side is not in excess of 60 feet.

(iv.) If lot is greater than 87,120 sf (2 acres) in size, regardless of Zoning District, the maximum building footprint may be increased to 2,000 square feet as long as a single side is not in excess of 72 feet.

(2) Maximum Building Height (per Definition of Building Height located within this Ordinance)

(i) In the R-E, R-S, and R-1 Districts, Maximum height - twenty-four (24) feet.

(ii) In the R-2, R-3, and V Districts, Maximum height - eighteen (18) feet.

(3) Accessory Structures located behind the front building line shall be located:

(i) a minimum of ten (10) feet from any property line in the R-E, R-S and R-1 Districts.

(ii) a minimum of one (1) foot from any side property line and a minimum of three (3) feet from any rear property line in the R-2, R-3 and V Districts.

(4) Storage Sheds and other accessory structures less than 180 square feet in floor shall be located to the rear of the front building line of the principal building and shall be located

(i) a minimum of five (5) feet from any property line in the R-E, R-S and R-1 Districts.

(ii) a minimum of one (1) foot from any side property line and a minimum of three (3) feet from any rear property line in the R-2, R-3 and V Districts.

(5) The minimum distance between any accessory building or structure and principal building shall be ten (10) feet.

(6) No temporary structures using substandard construction practices shall be permitted to function as an accessory structure or for dwelling purposes.

- b. Detached accessory buildings for permitted attached and semi-detached dwellings shall be located no closer than five (5) feet from any side lot line formed by a building partywall.
 - c. No more than four (4) accessory structures shall be permitted on a single lot.
 - d. Total combined building coverage of all on-lot structures including principal and all accessory structures may not exceed the building coverage regulations provided for each Zoning District.
 - e. Total combined impervious coverage of all on-lot improvements including all accessory structures may not exceed the impervious coverage regulations provided for each Zoning District.
5. Detached accessory buildings in non-residential districts. In the C, I-1 and I-2 Districts, the following additional regulations apply:
- a. In any non-residential district, an accessory building shall conform to the height regulations for principal buildings as provided for each Zoning District.
 - b. Accessory buildings located in a rear yard area shall be a minimum of twenty (20) feet from the rear property line.
 - c. Accessory structures located on existing residential use lots within non-residential districts must adhere to the accessory structure requirements of Section 10.01.B.4 above.
 - d. Total combined building coverage of all on-lot structures including principal and all accessory structures may not exceed the building coverage regulations provided for each Zoning District.
 - e. Total combined impervious coverage of all on-lot improvements including all accessory structures may not exceed the impervious coverage regulations provided for each Zoning District.

SECTION 10.02 - TEMPORARY STRUCTURES FOR DWELLING PURPOSES. No cabin, mobile home, garage, basement, recreational vehicle, tiny home or other temporary structure, whether of a fixed or mobile nature, may hereafter be erected or established for any dwelling purpose for any length of time unless approval for temporary use is granted by the Zoning Hearing Board as a special exemption and, as to recreational vehicles, tiny homes or other temporary structures, shall be subject to the safety standards established by the Recreational Vehicle Industry Association for temporary living in effect at the time of application for the special exemption. (Amended October 11, 2017)

SECTION 10.03 - WATER SUPPLY AND SEWERAGE FACILITIES REQUIRED. In the interest of protecting the public health, safety and welfare, every building or structure hereafter erected, altered or moved upon any premise and used in whole or in part for dwelling, commercial or recreational business or industrial purposes shall be provided with

both a safe and sanitary water supply and a safe and sanitary means of collection and disposal of human excreta or domestic, commercial and industrial waste. Such facilities shall conform to the minimum requirements set forth by the Pennsylvania Department of Environmental Protection.

SECTION 10.04 - EXCEPTIONS.

- A. Public Utility Corporations. The provisions of this Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation if, upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and the Borough have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.
- B. Application to Lots of Record. Where two (2) or more abutting lots of record are held in one ownership, either legal or equitable, or subsequently come to be held in one ownership, they shall be considered to be a single lot of record for the purpose of this Ordinance; and the provisions of this Ordinance shall not thereafter be circumvented or avoided by the willful sale or conveyance of a part or portion of any parcel or parcels.
- C. Height Exceptions. The height limitations of this Ordinance shall not apply to church spires, silos, belfries, cupolas, penthouses and domes not used for human occupancy or to chimneys, ventilators, skylights, water tanks, bulkheads and similar features, and necessary mechanical appurtenances usually carried above the roof level. Such features, however, shall be erected only to such height as is necessary to accomplish the purposes that they are to serve and then only in accordance with any other governmental regulations. These height exceptions do not apply to Wind Energy Conversion Systems, which must comply with the height requirements in Section 10.23 of this Ordinance.

SECTION 10.05 - REQUIRED STREET ACCESS. Each principal use hereafter established which involves buildings or structures for human occupancy shall be located and maintained upon a lot which abuts a public or private street or road for a distance of not less than is required in the applicable district. In districts where the minimum lot width is greater than fifty (50) feet, upon recommendation by the Planning and Zoning Commission and approval by Borough Council, the minimum lot width at the street right-of-way line can be reduced to not less than fifty (50) feet, provided that:

- A. The lot created meets all other dimensional requirements of this Ordinance; and
- B. The lot cannot be further subdivided without the provision of sufficient road frontage to meet the requirements of the applicable zoning district.

SECTION 10.06 - YARD AND LOT REGULATIONS.

A. Corner Lots:

1. Front yards are required on both street frontages, and one yard other than the front yards shall be deemed to be a rear yard, and the other (or others) side yards.
2. In the case of a corner lot possessing frontage on two or more public streets, the setback lines shall be determined by the following standards:
 - a. At least one front set-back shall be provided at the full distance required generally for the district in question, and
 - b. The second (or subsequent) front setbacks, hereinafter referred to as secondary front setbacks, shall not have less than one-half the full distance required for the district in question.

Provided, however, in no instance shall a secondary front set-back be less than the minimum side yard set-back required in the district in question.

In the case of a corner lot, if the block on which the second or subsequent front yard of the site is located is more than fifty percent (50%) developed, the setback of the majority of the existing buildings on that side block must be used. Otherwise the minimum setback on the side street shall be equal to no less than the minimum required side yard in the district.

3. The rear yard shall be that yard which is opposite and most distant from the front lot line on the street of address.
4. No obstructions to vision exceeding thirty (30) inches in height above curb level shall be erected or maintained within a seventy-five (75) foot clear sight triangle formed by the centerline of intersecting streets.

B. Front-yard Exception:

No proposed dwelling need have a set-back greater than the average of the two existing dwellings with the greatest set-backs located within one-hundred (100) feet on each side of the said proposed dwelling, on the same side of the street, within the same block, and the same district.

C. Projections Into Required Yards:

1. Cornices, canopies, eaves or other architectural features may project into required side yards a distance not exceeding two (2) inches per one (1) foot of side yard width but may not exceed a total of three (3) feet.
2. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3) feet.

3. Patios, decks, paved terraces and open porches may be located in required side and required rear yards provided that they do not extend closer than five (5) feet from any property line in the R-E, R-S, R-1 and R-2 Districts; and closer than three (3) feet from any property line in the R-3 and V Districts . In case of a corner lot, no such structures shall extend into the required yard adjoining each street.
4. Nothing herein contained shall prevent the projection of an open fire escape into a required yard for a distance not to exceed eight (8) feet.
5. Handicap ramps may be permitted in required front yards, in accordance with the following requirements:
 - a. Such structure shall be permitted only when no other feasible location on the lot exists.
 - b. Such structure must receive approval of the Planning and Zoning Commission prior to construction.
 - c. Application for approval shall include a sketch of the proposed construction and location of the structure.
 - d. Minimum clearance of four (4) feet in width shall be maintained on the sidewalk.

D. Through Lots:

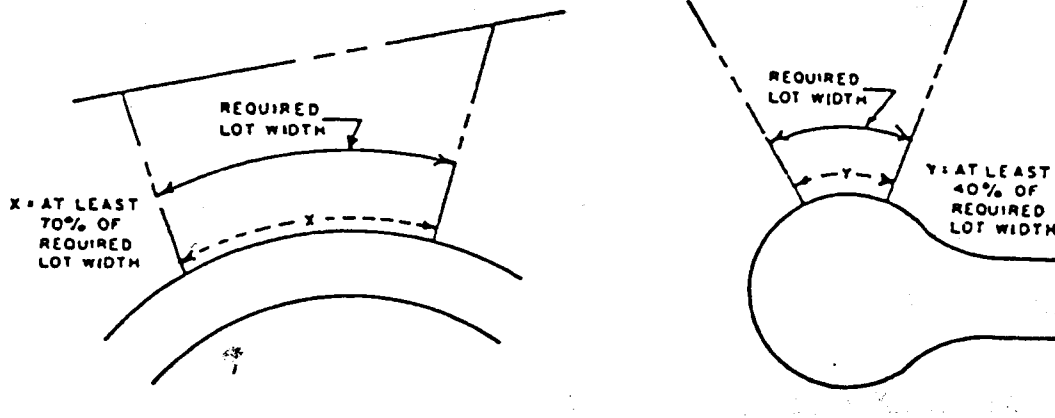
Where a lot extends through from street to street, the applicable front yard regulations shall apply on both street frontages. However, in the event of a complete system of through lots which are designed for reversed frontage, the required front yard need only be along the more minor street of the subdivision.

E. Flag Lots:

Flag lots, as defined in this Ordinance, are expressly prohibited.

F. Irregularly Shaped Lots.

In the case of irregularly shaped lots, the minimum lot width specified in the district shall be measured at the rear lot line of the minimum required front yard, provided that in no case shall the lot frontage measured at the street right-of-way line be less than seventy percent (70%) of the minimum lot width except in the following situations: on cul-de-sacs or courts or streets centerline curves of less than three hundred (300) feet radius where then lot frontage measured at the street right-of-way line shall not be less than forty percent (40%) of the minimum lot width.



SECTION 10.07 - OFF-STREET PARKING REQUIREMENTS.

Accessory off-street parking spaces, open or enclosed, shall be provided for any use where specified in the District Regulations, in this Section, or in any other regulations found in this Ordinance, subject to the following provisions:

A. Location of Parking Areas.

1. Enclosed off-street parking spaces, including public and private garages, shall conform to the applicable building setback requirements of this Ordinance.
2. Required off-street parking spaces in the Village District shall not be located closer to the front lot line than the face of the principal building. Open parking spaces and/or parking lots in the Commercial District may be located in any required front or secondary front yard, but not closer than ten (10) feet from any travel lane. Open parking spaces and/or parking lots in all other Districts shall not be located in any required front or secondary front yard. (Amended February 13, 2013)
3. Open parking spaces and/or parking lots in the R-E, R-S, R-1, R-2, C and I-1 Districts shall not be located closer than five (5) feet from any side or rear property line, unless otherwise provided for elsewhere in this Ordinance. (Amended February 13, 2013)
4. Open parking spaces and/or parking lots in the R-3, I-2 and Village Districts shall not be located closer than three (3) feet from any side or rear property line, unless otherwise provided for elsewhere in this Ordinance.
5. Exceptions.
 - a. No setback from a side or rear property line is required when said side or rear property line abuts a public alley.
 - b. No setback is required from a side and/or rear property line where the adjacent owners have a written agreement, suitable to Borough

Council, waiving the side and/or rear yard setbacks relating to parking facilities along their abutting property line(s).

- B. Areas Computed as Parking Spaces. Areas which may be computed as open or enclosed off-street parking spaces include any private garage, carport, or other area available for parking, other than a street or driveway. However, a driveway within a required front yard for a single-family or two-family residence may count as one parking space.
- C. Size of Spaces. Per the current version of the Borough Zoning Ordinance. (Amended October 11, 2017)
- D. Large Parking Areas. Parking areas of one-half (1/2) acre or more shall have at least five (5) percent of the total area devoted to landscaping within the interior of the parking area.
- E. Access and Aisles.
1. Unobstructed access to and from a street, and aisle width for a parking area shall be provided as indicated below. See Section 10.09 for additional access requirements. (Amended October 11, 2017)
 2. Each aisle providing access to stalls shall be at least the minimum aisle width specified as follows: (Amended October 11, 2017)

Angle of Parking	Minimum Aisle Width	
	One Way	Two Way
Parallel	12 feet	Not permitted
30 degrees	12 feet	Not permitted
45 degrees	15 feet	Not permitted
60 degrees	18 feet	Not permitted
90 degrees	20 feet	24 feet

3. No aisle shall exceed two hundred and fifty feet (250') in length. (Amended October 11, 2017)
- F. Drainage and Surfacing. All open parking areas shall be properly drained and shall be paved or provided with an alternate surface acceptable to the Borough Engineer.
- G. Joint Facilities. Required parking spaces, open or enclosed, may be provided in spaces designed to serve jointly two or more establishments whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall not be less than the total required for all such establishments.
- H. Minimum Number of Spaces Required. the minimum number of off-street parking spaces by type of use shall be determined in accordance with the following provisions. When the computation to determine the number of required parking spaces results in a requirement of a fractional space, any fraction up to and including one-half (0.5) shall be disregarded, and fractions over one-half (0.5) shall equal one (1) space.

1. Parking Requirements for Residential Uses

- a. Apartment houses: The total number of parking or garage spaces shall be not less than two (2) times the number of dwelling units in the building. A garage, accessory to an apartment house, shall provide only for the storage of vehicles of the owner, tenants, and employees and shall not be considered a space. (Amended October 11, 2017)
- b. Apartment structures in combination with permitted commercial uses shall provide parking spaces as required if both uses were established separately.
- c. Boarding and Rooming Houses, Hotels, Motels, Bed and Breakfast Inns and Tourist Homes: At least one (1) parking space for each guest room, plus one additional space for every two (2) full-time employees. If a restaurant in connection with the above is open to the public, the off-street parking facilities shall be not less than those required for restaurants, in addition to those required for guest rooms.
- d. Dormitories, Fraternity Houses, etc: At least one (1) space per sleeping room.
- e. Dwellings: Two (2) parking spaces for each dwelling unit.
- f. Life Care Communities: At least two (2) parking spaces for each dwelling unit, plus an additional parking space for each three (3) beds for patient use. (Amended October 11, 2017)
- g. Retirement Communities: At least two (2) parking spaces for each dwelling unit. (Amended October 11, 2017)

2. Parking Requirements for Commercial Uses

- a. Beauty shops and barber shops: Three (3) parking spaces for each chair to be utilized in the business. If, however, the beauty shop or barber shop is legally part of a residence, two (2) spaces for each chair provided there are two (2) parking spaces for the residents.
- b. Bowling Alleys: At least five (5) spaces per bowling lane.
- c. Commercial Kennels: One (1) space per employee plus three (3) spaces for customer parking.
- d. Commercial Recreation: One (1) space per five (5) seats or similar accommodation; or one (1) space per two (2) lockers or similar accommodation, whichever yields the larger parking requirement.

- e. Commercial vehicles: Space shall be provided at the rear of each commercial or business building for the parking of commercial vehicles.
- f. Dance Halls, Roller Rinks, Clubs, Lodges and Other Similar Places: At least one (1) parking space for each one hundred (100) square feet of floor area.
- g. Department/Variety Stores: Not less than one (1) parking space per every two hundred (200) square feet of Gross Leasable Area, or fraction thereof.
- h. Drive-in Restaurants or similar establishments: At least two (2) spaces for each fifty (50) square feet of building area.
- i. Food Stores and Pharmacies: At least one (1) space for every one hundred (100) square feet of sales area.
- j. Home Businesses: One (1) space per non-resident employee plus three (3) spaces for customer parking.
- k. Medical, Dental and Veterinary Offices and Clinics: At least four (4) parking spaces per practitioner.
- l. Mini Warehouses / Self Storage Facilities: One (1) space shall be required per employee (full or part-time) and shall be defined / striped, plus one (1) space for every five (5) storage units. The additional parking spaces for storage units can be designed to be in front of and between storage units, provided that adjacent access aisle is provided to allow passage of vehicles. The additional parking spaces and aisles do not need to be painted. (Amended October 11, 2017)
- m. Mortuaries, Funeral Homes and Undertaking Establishments: At least one (1) parking space for each three (3) seats for public use. Such space shall be in addition to employee parking needs, and service area for mobile equipment such as hearses and ambulances.
- n. Office Buildings: At least one (1) parking space for each two hundred (200) square feet of Gross Floor Area, or fraction thereof.
- o. Open Areas Used For Commercial Purpose: At least one (1) parking space for each one thousand five hundred (1,500) square feet of area, or fraction thereof.
- p. Personal service establishments (not otherwise provided for): One (1) space for each one hundred (100) square feet of floor space or fraction thereof devoted to such use plus one (1) space per employee.

- q. Restaurants and Bars: At least one (1) parking space for each four (4) customer seats, plus one (1) additional space for every two (2) full-time employees on the maximum shift. (Amended October 11, 2017)
- r. Retail Stores: At least one (1) parking space for each two hundred (200) square feet of gross floor area, exclusive of areas not used for sale or display of merchandise.
- s. Self-Service Laundries: One (1) space per every 1.5 washing machines.
- t. Shopping Centers: Not less than 5 parking spaces per every one thousand (1000) square feet of Gross Leasable Area, or fraction thereof. (Amended October 11, 2017)
- u. Vehicle Sales and Service or Vehicle Body Shops and Repair Garages: At least two (2) parking spaces for each two hundred (200) square feet of floor area devoted to sales, repairs, or service facilities, in addition to display and storage spaces.
- v. Vehicle Service Stations: At least one (1) parking space for every three (3) service bays plus a space for every two (2) fuel pumps, or fraction thereof. In no case shall the spaces for permitted motor vehicles be less than five (5). (Amended October 11, 2017)
- w. Vehicle Washes: No less than one (1) space per wash lane. (Amended October 11, 2017)
- x. All other commercial uses: One (1) space per employee for the maximum shift plus such space as may be determined by the Planning and Zoning Commission on a case by case basis. (Amended October 11, 2017)
- y. In addition to all of the above minimum requirements, additional spaces for visitor parking and salesmen shall be provided according to the specific requirements of each use.

3. Parking Requirements for Industrial Uses

- a. Bus and Trucking Terminals: Sufficient parking to accommodate employees, visitors, etc., subject to the approval of the Planning and Zoning Commission.
- b. Manufacturing, Printing or Publishing, and other Industrial Establishments: At least one (1) parking space for each two (2) employees on the maximum shift, or each five hundred (500) square feet of floor area, whichever is greater. (Amended October 11, 2017)

- c. Wholesale Sales, Storage or Distribution: At least one (1) space for each one thousand (1,000) square feet of sales and storage area or each two (2) employees working on the largest shift.
 - d. In addition to all of the above minimum requirements, additional spaces for visitor parking and salesmen shall be provided according to the specific requirements of each use.
4. Parking Requirements for Public and Quasi-Public Uses
- a. Day Care Centers and Nursery schools: One (1) space per employee plus three (3) spaces.
 - b. Elementary Schools: Two and one half (2.5) spaces for each classroom plus one (1) space for each five (5) seats in any auditorium or other place of public assembly.
 - c. Golf Course: At least six (6) parking spaces for each tee.
 - d. Golf Driving Range: At least one (1) parking space per tee.
 - e. Hospitals, Nursing or Convalescent Homes: Parking space shall be provided for visitors at the rate of at least one (1) parking space for each three (3) accommodations (beds) for patients, plus one (1) space for each employee on largest shift.
 - f. Miniature Golf Courses: At least two (2) parking spaces per hole.
 - g. Public Park or Recreation Area; Private Club for Hunting, Horseback Riding, Tennis or other Racquet Sports; or Other Outdoor Recreational Use: Variable, depending upon proposed intensity of use, and subject to the approval of the Planning and Zoning Commission.
 - h. Secondary Schools and Similar Educational Establishments: Four (4) spaces for each classroom plus one (1) space for each five (5) seats in any auditorium or other place of public assembly.
 - i. Swimming pools: Where a swimming pool is the principal use at least one (1) parking space for each four (4) persons based upon the designed capacity of the pool.
 - j. Theaters, Auditoriums (excluding schools), Places of Worship, Stadiums, or any other place of public or private assembly: At least one (1) parking space for each four (4) seats or two hundred (200) square feet of floor space provided for public or private assembly, whichever is greater.
 - k. Libraries: At least one (1) parking spaces for each two hundred (200) square feet of floor area. (Amended October 11, 2017)

5. All Other Uses

For other uses which do not fit into one of the above categories, determination of the required number of off-street parking spaces shall be made by the Planning and Zoning Commission. It is the intent of these regulations that adequate off-street parking and loading facilities be provided for each land use.

- I. Combined Spaces. When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the Planning and Zoning Commission may reduce the total parking spaces required for that use with the least requirement.
- J. Multiple Uses in Single Structure. When two or more uses that require off-street parking spaces are located in a single structure, the separate parking requirements for each use shall be applied.
- K. Location and Ownership. Required accessory parking spaces, open or enclosed, shall be provided upon the same lot as the use to which they are accessory or elsewhere, provided all spaces therein are located within reasonable walking distance of such lot. In all cases such parking spaces shall conform to all the regulations of the District in which the parking spaces are located; and in no event shall such parking spaces be located in any Residential District unless the use to which the spaces are accessory are permitted in such Residential Districts or upon approval by the Planning and Zoning Commission. Satisfactory arrangements shall be made, and approved by the Planning and Zoning Commission, to maintain the required number of spaces available either (a) throughout the existence of such use to which they are accessory, or (b) until such spaces are provided elsewhere.
- L. On Lots Divided by District Boundaries. When a parking lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces shall apply to all of the lot. Parking spaces on such a lot may be located without regard to district lines, provided that no such parking spaces shall be located in any Residential District, unless the use to which they are accessory is permitted in such district, or upon approval of the Planning and Zoning Commission.
- M. Parking Regulations in Apartment Dwelling or Attached Dwelling Developments. Wherever space is provided for the parking of five (5) or more vehicles in the open, such spaces shall be individually identified by means of pavement markings. No parking space shall be located within ten (10) feet of any lot line in side or rear yards. The parking of motor vehicles is prohibited within fifteen (15) feet of any wall or portion thereof of a two or more family dwelling, which wall contains windows (other than bathroom or kitchen windows) with a sill height of less than eight (8) feet above the level of the said parking space. No service of any kind shall be permitted to be extended to users of the lots including vehicle service, repair or fueling, and no gasoline, oil, grease, or other supplies shall be stored or sold in any such lot or in

any garage on such lot. Parking areas shall be screened in accordance with the requirements of Section 10.15.

N. Regulations for Parking Spaces Adjacent to Lots in Any Residential District.

1. Wherever a parking area of over five (5) spaces abuts or is within fifteen (15) feet of the side or rear lot line of a lot in any Residential District, or is located across the street from other land in any Residential District, it shall be screened from the view of such land in accordance with the requirements of Section 10.15.

O. Additional Regulations for Parking Spaces in the Village District.

1. The existing use of property in the Village District shall be defined as (1) the current use or (2) use of record (if vacant) on the effective date of this amendment. Any required off-street parking spaces shall be determined in accordance with the provisions of Section 10.07 Q.
2. Required off-street parking spaces in the Village District shall not be located closer to the front lot line than the face of the principal building. Off-street parking located in any side yard shall be screened from the street in accordance with the screening requirements of Section 10.15.

P. Handicapped Parking.

Handicapped accessible parking shall be provided in accordance with the requirements of the Americans with Disabilities Act (ADA), as may be amended from time to time. Except as may be modified by the requirements of the ADA, the following shall be required:

1. Said spaces shall be most accessible and approximate to the building or buildings that the parking spaces shall serve.
2. Each space or group of spaces shall be identified with a clearly visible sign displaying the international symbol of access.
3. Each space shall be one hundred twenty (120) inches wide to allow room for persons in wheelchairs or on braces or crutches to get in and out of either side of an automobile onto level, paved surface suitable for wheeling and walking.
4. Parking spaces shall be provided in accordance with the following Table:

Total Parking Spaces in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

5. Where possible, such spaces shall be located so that persons in wheelchairs or using braces or crutches are not compelled to wheel or walk behind parked cars.
6. Where applicable, curb ramps shall be provided to permit handicapped people access from the parking lot to the sidewalk or building entrance.

Q. Exemptions to Off-Street Parking Requirements

1. Where the occupancy of an apartment building is limited to a special group, such as the elderly or handicapped, not normally requiring off-street parking to the extent of other uses, such building shall be exempted from the parking space requirements of this section; provided, however, that in no instance shall less than one off-street space be provided for each four units in such building.
2. When a use is expanded in size or when a use occurs requiring a greater number of off-street parking facilities than the existing use, the owner and/or occupant shall be required to provide only that number of additional off-street parking facilities required by the new use or expanded portion of the existing use; provided, however, no existing off-street parking facilities shall be eliminated unless all applicable off-street parking requirements are met.
3. When a non-residential use in the Village District is expanded in size or when a non-residential use in the Village District occurs requiring a greater number of off-street parking facilities than the existing use, the owner and/or occupant shall be required to provide only that number of additional off-street parking facilities that can be located on the same lot as the use.
4. Where a nonconformity exists in respect to required parking for an existing use and where available lot area remains after meeting the parking required under 2. above, then the owner and/or occupant of the property shall use that available lot area to provide additional parking to the extent possible to meet the parking requirement of the existing use; provided, however, that nothing in this sentence shall be understood to override any other provisions of this Ordinance.

SECTION 10.08 - OFF-STREET LOADING REQUIREMENTS. Off-street loading spaces (berths), open or enclosed, are permitted accessory to any use (except one-or two-family residences) subject to the following minimum provisions:

- A. Uses for Which Required. Accessory off-street loading berths shall be provided for any use specified below. Any land which is developed as a unit under single ownership and control shall be considered a single lot for the purpose of these minimum loading requirements.
1. For a public library, museum, or similar quasi-public institution, or governmental building, community center, hospital or sanitarium, nursing or convalescent home, institution for children or the aged, or school with floor

area of 10,000 square feet, one (1) berth; for each additional 25,000 square feet or fraction thereof, one (1) additional berth.

2. For buildings with professional, governmental, or business offices, or laboratory establishments, with floor area of 10,000 to 25,000 square feet, one (1) berth; for each additional 25,000 square feet or fraction thereof up to 100,000 square feet, one (1) additional berth; for each additional 50,000 square feet or fraction thereof, one (1) additional berth.
 3. For buildings with offices and retail sales and service establishments, one (1) berth for 8,000 to 25,000 square feet of floor area, and one (1) additional berth for each additional 25,000 square feet of floor area or fraction thereof so used.
 4. For mortuaries and funeral homes, one (1) berth for each chapel. (Such berths shall be at least 10 feet wide, 20 feet long, and 14 feet high).
 5. For hotels, motels and resorts, one (1) berth for each 25,000 square feet of floor area.
 6. For manufacturing, wholesale and storage uses, and for dry-cleaning and rug cleaning establishments and laundries, one (1) berth for 5,000 to 10,000 square feet of floor area in such use, and one (1) additional berth for each additional 20,000 square feet of floor area or fraction thereof so used.
 7. Off-street loading requirements for uses not specifically cited above will be determined by the Planning and Zoning Commission on a case-by-case basis.
- B. Size of Spaces. Each required loading berth shall conform to a dimension of not less than twelve (12) feet by fifty (50) feet, or six hundred (600) square feet in area, with a minimum overhead clearance of not less than sixteen (16) feet in height.
- C. Location and Access. Unobstructed access, at least ten (10) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot. All permitted or required loading berths shall be on the same lot as the use to which they are accessory. No off-street loading berth shall be located in any required front yard. Where possible, off-street loading space shall be located on the face of a building not facing any adjoining land in a residential district. Required off-street parking space shall not be utilized for loading space.
- D. Joint Facilities. Permitted or required loading berths, open or enclosed, may be provided in spaces designed to serve jointly two (2) or more adjacent establishments on the same lot, provided that the number of required berths in such joint facilities shall not be less than the total required for all such requirements.
- E. On Lots Divided by District Boundaries. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of loading berths shall apply to all of the lot. Loading berths on such a lot

may not be located in any Residential District, unless the use to which they are accessory is permitted in such district, or upon approval by Borough Council.

SECTION 10.09 - LOT ACCESS.

All uses shall be provided with access to an abutting improved public or private street. Such access shall meet the requirements hereinafter provided, as well as the design requirements contained in the Borough Subdivision and Land Development Ordinance.

A. General Requirements.

1. All driveways shall be designed as to not impede the surface water flow along public rights-of-way.
2. No driveway shall provide access to a lot in a District other than the District in which such driveway is located without approval from the Planning and Zoning Commission.

B. Access to Apartment Houses and Non-Residential Uses. The following shall apply to driveways serving apartment houses and non-residential uses.

1. Access shall be by not more than two (2) driveways for each frontage on any street.
2. The two (2) driveways shall not be closer than twelve (12) feet.
3. The entire flare of any return radius shall fall within the abutting right-of-way. (Amended October 11, 2017)
4. Unless approved and constructed as a common driveway, no driveway shall be located closer to any side property line than the minimum required side yard setback for the prevailing district.
5. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property, except for the permitted driveways. On the two ends and street side of each island, there shall be a concrete curb - the height, location and structural specifications of which shall be in accordance with the design requirements of the Subdivision and Land development Ordinance.

C. Access to Residential Uses other than Apartment Houses.

1. Whenever a driveway or driveways access a corner lot in residential use, the driveway or driveways shall be located off the minor street.
2. A single driveway to a residential use with access to any street or road in the Borough shall not exceed a width of sixteen (16) feet or a radius of ten (10) feet at the curb.

3. No driveway shall be permitted within three (3) feet of any side or rear lot line.
4. No more than two (2) driveways shall be permitted per lot in residential use.

D. Access onto Collector/Arterial Streets or Roads.

1. Whenever private vehicular access to a use or land is directly from a designated collector/arterial street or road, the following conditions, where applicable, shall be met:
 - a. All driveways shall meet the applicable standards of the Pennsylvania Department of Transportation relative to clear sight distance and slope in relation to permitted speed.
 - b. All driveways shall be designed so that vehicles can turn around on the lot and head directly onto the collector/arterial street or road.

SECTION 10.10 - OUTDOOR STORAGE

- A. Outdoor storage shall be completely screened from view of any adjacent residential use. Screening shall consist of evergreen plantings, architectural screen, or approved safety fence, in accordance with the requirements of Section 10.15.
- B. Except in the I-1 General Industrial Districts, no outdoor storage shall be permitted within the front yard of any lot.
- C. In all other zoning districts where permitted by this Ordinance, outside storage of raw materials and/or finished products shall be permitted only within the buildable area of the lot to the rear of the front building wall of the principal building, and shall not exceed twenty (20) feet in height.
- D. All organic refuse or garbage shall be stored in tight, vermin-proof containers. In multiple family, commercial, industrial and other nonresidential developments, garbage storage shall be centralized to expedite collection and enclosed on three sides by architectural screen or plantings.
- E. In R-E, R-S, R-1, R-2, R-3 and V districts, no commercial vehicle, truck, trailer, or any similar vehicle, or equipment which cannot move under its own power, shall be regularly parked or stored for more than 24 hours unless it is:
 1. In an enclosed structure; or
 2. If not in an enclosed structure, the vehicle or equipment shall be completely screened from view from the adjoining properties and the street at all seasons of the year.
 3. The unenclosed storage of the vehicle or equipment shall not be permitted within any of the required yards.

- F. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground, except for tanks of fuel (1) directly connected to energy or heating devices or (2) used in conjunction with active agricultural or construction activities. A list of such liquids, solids or gases stored on site shall be supplied to the appropriate fire companies serving the Borough.
- G. No structure or land shall be used or developed, and no structure shall be located, extended, converted or structurally altered unless the applicant takes all reasonable measures to minimize the impacts of the above ground and underground storage of heating oil, gasoline, diesel fuel, chemical solutions or other substances which, if released, would constitute pollutants to surface water or groundwater. The applicant shall also demonstrate compliance with all applicable regulations of the U.S. Environmental Protection Agency; Pennsylvania Department of Environmental Protection; and the Pennsylvania State Police, Fire Marshall Division, including notification and registration requirements.

SECTION 10.11 - FENCES OR WALLS.

- A. In the R-E, R-S, R-1, R-2, R-3 and Village districts, no fence or wall shall exceed four (4) feet in height in any front yard or required side yard or six (6) feet in height in any rear yard. A front fence shall be behind the sidewalk. Fences of wood, metal or masonry may be erected to a height not exceeding eight (8) feet within the side and rear buildable areas of any lot.
- B. In the commercial and industrial districts, fences may be erected to a height not exceeding eight (8) feet along the side and rear lot lines, with the following exceptions:
 - 1. No fence shall exceed four (4) feet in height along any side lot line between the front property line and the front setback line, nor across the front of any property in commercial or industrial use forward of the abutting property's front setback line.
 - 2. Where such lots abut upon property zoned residential, the fences may not exceed six (6) feet in height along lot lines where so abutting without a special exception being granted by the Zoning Hearing Board and, in no case, shall such a special exception permit a fence of greater than eight (8) feet in height.
- C. Fences surrounding tennis courts may be erected to a height not exceeding ten (10) feet, subject to the further requirements of Section 10.29.
- D. Except for fences surrounding a tennis court under Section 10.11 C. above, no fence shall be erected to exceed eight (8) feet anywhere on any lot in the Borough.
- E. Electric fences are prohibited within the Borough limits.
- F. Barbed/razor wire fences are permitted only when required for security at an utility/essential services facility and only upon approval of the Planning and Zoning Commission.

- G. No obstructions to vision exceeding thirty (30) inches in height above curb level shall be erected or maintained within a seventy-five (75) foot clear sight triangle formed by the centerline of intersecting streets.
- H. The finished or decorative side of all fences shall face the adjoining property. The support posts, etc., shall be installed on the owner's side of the fence.
- I. In all zoning districts, walls for landscaping purposes may be erected in required yard setbacks but shall not be located closer than two (2) feet from property lines, street and utility rights-of-way, or in clear sight triangles. Landscaping walls shall only be constructed of masonry or landscape timbers and shall be maintained in good condition. A zoning permit shall be required to locate, construct or place any landscape (retaining) wall within the Borough. Landscape (retaining) walls shall not exceed three (3) feet in height in any front yard or six (6) feet in height in any side or rear yard areas.
- J. Fence or Wall on Property Line (With Exceptions):
 - 1. Fences and walls may be erected on a side or rear property line provided said property line is clearly located and physically marked on the lots by lot line markers placed in accord with a survey conducted by a Registered Land Surveyor, and provided the permit application is accompanied by a written document executed between said owners establishing agreement for erection of the subject fence or wall.
 - 2. Fences or walls not located on the property line in accordance with J.1. above shall be set back from side and rear property lines by not less than two (2) feet.

SECTION 10.12 - SIGN REGULATIONS.

- A. Purposes. The purposes of these sign regulations are (1) to encourage the effective use of signs as a means of communication in the Borough; (2) to maintain and enhance the aesthetic environment and the Borough's ability to attract sources of economic development and growth; (3) to improve pedestrian and traffic safety; (4) to minimize the possible adverse effect of signs on nearby public and private property; and (5) to enable the fair and consistent enforcement of these sign restrictions.
- B. Applicability - Effect. Signs may be erected, placed, established, created, altered or maintained only in conformance with the standards, procedures, exemptions and other requirements of this Section and any and all other ordinances and regulations relating to signs and similar devices. Zoning permits will be required for the erection, placement, establishment, creation, alteration or maintenance of all signs unless otherwise indicated in this Section.

The effect of this Section, as more specifically set forth herein, is as follows:

1. To establish a permit system to allow a variety of types of signs in commercial and industrial districts, and a limited variety of signs in all other districts, subject to the standards and the permit procedures of this Section;
2. To allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Section, but without a requirement for permits;
3. To provide for temporary signs without commercial messages in limited circumstances in the public right-of-way;
4. To prohibit all signs not expressly permitted by this Section; and
5. To provide for enforcement of the provisions of this Section.

C. Computations. The following regulations shall control the computation of sign area and sign height.

1. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, triangle, rectangle or circle, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting bracing, or decorative fence or wall when such fence or wall otherwise meets regulations of this Ordinance and is clearly incidental to the display itself.
2. Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
3. Computation of Sign Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the normal elevation at the base of the sign is equal to the elevation of the grade of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

4. Computation of Maximum Total Permitted Sign Area for a Zone Lot. The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formula contained in Table B, Maximum Total Sign Area, to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

- D. Signs Allowed on Private Property With and Without Permits. Signs shall be allowed on private property in the Borough in accordance with, and only with, Table A. If the letter "P" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

Although permitted under the previous paragraph, a sign designated by an "S" or "P" in Table A shall be allowed only if:

1. The sum of the area of all building and freestanding signs on the zone lot conforms with the maximum permitted sign area as determined by the formula for the zoning district in which the lot is located as specified in Table B;
2. The size, location and number of signs on the lot conform with the requirements of Tables C and D, which establish permitted sign dimensions by sign type, and with any additional limitations listed in Table A;
3. The characteristics of the sign conform to the limitations of Table E, Permitted Sign Characteristics, and to any additional limitations on characteristics listed in Table A.

E. Permits Required.

1. If a sign requiring a permit under the provisions of this Section is to be placed, constructed, erected or modified on a zone lot, the owner of the lot shall secure a sign permit in accordance with the requirements of Section 10.12 L.
2. No signs shall be erected in the public right-of-way except in accordance with Section 10.12 H. and the permit requirements of Section 10.12 O.
3. No sign permit of any kind shall be issued for any sign unless such sign is consistent with the requirements of this Section (including those protecting existing signs) in every respect and with the Common Signage Plan in effect for the property.

- F. Design, Construction and Maintenance. All signs shall be designed, constructed and maintained in accordance with the following standards:
1. All signs shall comply with applicable provisions of any building and electrical codes as adopted by the Borough.
 2. Except for banners, flags, temporary signs, portable signs, sidewalk signs and window signs conforming in all respects with the requirements of this Section, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to a rigid wall, frame or structure.
 3. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Section, at all times.
 4. The greatest portion of the allowable area of a sign shall be used to disseminate the name of the establishment and the type of service offered. Commercial advertising (such as brand name logos, etc.) shall be limited to the following maximum percentages of the total allowable sign area:
 - a. Village District - twenty-five (25) percent
 - b. Commercial District - fifty (50) percent
 - c. Industrial Districts - twenty-five (25) percent
 - d. Institutional Uses - twenty-five (25) percent
- G. Site Plans and Common Signage Plans. No permit shall be issued for an individual sign requiring a permit unless and until a Site Plan or a Common Signage Plan for the zone lot on which the sign will be erected has been submitted to the Zoning/Code Enforcement Officer and approved by the Zoning/Code Enforcement Officer, or Planning and Zoning Commission where required, as conforming to this Section.
1. Site Plan. For any zone lot on which the owner proposes to erect one or more signs requiring a permit, unless such zone lot is included in a Common Signage Plan, the owner shall submit to the Zoning/Code Enforcement Officer a Site Plan containing the following:
 - a. An accurate plot plan of the zone lot, at such scale as the Zoning/Code Enforcement Officer may require;
 - b. Location of buildings, parking lots, driveways and landscaped areas on such zone lot;
 - c. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding

signs allowed on the zone lot(s) included in the plan under this Section; and

- d. An accurate indication on the plot plan of the location of each present and proposed location of each future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.
2. Common Signage Plan. If the owners of two or more contiguous (disregarding intervening streets and alleys) zone lots or the owner of a single lot with more than one building (not including any accessory building) or business occupant file with the Zoning/Code Enforcement Officer for such zone lots a Common Signage Plan conforming with the provisions of this Section, a twenty-five (25) percent increase in the maximum total sign area shall be allowed for each included zone lot. This bonus shall be allocated within each zone lot as the owner(s) elects.
 3. Provisions of Common Signage Plan. The owner shall submit to the Zoning/Code Enforcement Officer a Common Signage Plan containing the following:
 - a. An accurate plot plan of the zone lot, at such scale as the Zoning/Code Enforcement Officer may require;
 - b. Location of buildings, parking lots, driveways and landscaped areas on such zone lot;
 - c. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the zone lot(s) included in the plan under this Section; and
 - d. An accurate indication on the plot plan of the location of each present and proposed location of each future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.
 4. The Common Signage Plan shall also specify standards for consistency among all signs on the zone lots affected by the Plan with regard to:
 - a. Color scheme;
 - b. Lettering or graphic style;
 - c. Lighting;
 - d. Location of each sign on buildings;
 - e. Material; and
 - f. Sign proportions.

5. Showing Window Signs on Common Signage Plan. A Common Signage Plan including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.
 6. Limit on Number of Freestanding Signs Under Common Signage Plan. The Common Signage Plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the zone lots included in the Plan have frontage and shall provide for shared or common usage of such signs.
 7. Other Provisions of Common Signage Plans. The Common Signage Plan may contain such other restrictions as the owners of the zone lots may reasonably determine.
 8. Consent. The Common Signage Plan shall be signed by all owners or their authorized agents in such form as the Borough shall require.
 9. Procedures. A Common Signage Plan shall be included in any land development plan, site plan, planned residential development plan or other official plan required by the Borough for the proposed development and shall be processed simultaneously with such other plan.
 10. Amendment. A Common Signage Plan may be amended by filing a new Common Signage Plan that conforms with all requirements of this Ordinance then in effect.
 11. Existing Signs Not Conforming to Common Signage Plan. If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, within three (3) years, all signs not conforming to the proposed amended plan or to the requirements of this Ordinance in effect on the date of submission.
 12. Binding Effect. After approval of a Common Signage Plan, no sign shall be erected, placed, painted or maintained, except in conformance with such Plan, and such Plan may be enforce in the same way as any provision of This Section. In case of any conflict between the provisions of such a Plan and any other provision of this Ordinance, this Ordinance shall control.
- H. Signs in the Public Right-of-Way. No signs shall be allowed in the public right-of-way, except for the following:
1. Permanent Signs. Permanent signs, including:

- a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic;
 - b. Bus stop signs erected by a public transit company;
 - c. Informational signs of a public utility regarding its poles, lines, pipes or facilities; and
 - d. Awning, projecting and suspended signs projecting over a public right-of-way in conformity with the conditions of Table A of This Section.
 2. Temporary Signs. Temporary signs for which a permit has been issued in accordance with Section 10.12 O., which shall be issued only for signs meeting the following requirements:
 - a. Such signs shall contain no commercial message; and
 - b. Such signs shall be no more than two (2) square feet in area.
 3. Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.
 4. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Borough shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
- I. Signs Exempt from Regulation Under This Ordinance. The following signs shall be exempt from regulation under this Ordinance:
1. Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;
 2. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the zone lot or parcel on which such sign is located;
 3. Strings of lights not permanently mounted to a rigid background, used for decorative purposes in conjunction with an approved commercial use and in conformance with the requirements of the Pennsylvania Uniform Construction Codes, as amended.
 4. Holiday lights and decorations with no commercial message, but only between November 15 and January 30; and

5. Traffic control signs on private property, such as "Stop," "Yield" and similar signs, the face of which meet Department of Transportation standard and which contain no commercial message of any sort.
- J. Signs Prohibited Under This Ordinance. All signs not expressly permitted under this Ordinance or exempt from regulation hereunder in accordance with the previous section are prohibited in the Borough. Such signs include, but are not limited to:
1. Beacons;
 2. Pennants;
 3. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and
 4. Inflatable signs and tethered balloons.
- K. General Permit Procedures. The following procedures shall govern the application for, and issuance of, all sign permits under this Ordinance, and, when applicable, the submission and review of Common Signage Plans.
1. Applications. All applications for sign permits of any kind and for approval of a Common Signage Plan shall be submitted to the Zoning/Code Enforcement Officer on an application form or in accordance with application specifications published by the Borough.
 2. Fees. Each application for a sign permit or for approval of a Common Signage Plan shall be accompanied by the applicable fees, which shall be established by Borough Council from time to time by resolution.
 3. Completeness. Within five (5) days of receipt of an application for a sign permit or for a Common Signage Plan, the Zoning/Code Enforcement Officer shall review it for completeness. If the Zoning/Code Enforcement Officer finds that it is complete, the application shall be processed. If the Zoning/Code Enforcement Officer finds that it is incomplete, the Zoning/Code Enforcement Officer shall, within such five-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this Ordinance.
 4. Action. Within fifteen (15) days of the submission of a complete application for a sign permit, the Zoning/Code Enforcement Officer shall either:
 - a. Issue the permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this Ordinance and of the applicable Common Signage Plan; or
 - b. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform to the requirements of this Ordinance and of the applicable Common Signage Plan. In the case

of a rejection, the Zoning/Code Enforcement Officer shall specify in the rejection the section or sections of this Ordinance or applicable plan with which the sign(s) is inconsistent.

5. Action on Common Signage Plan.

- a. On any application for approval of a Common Signage Plan, the Zoning/Code Enforcement Officer shall take action on the applicable one of the following dates;
 - (1) Within thirty (30) days after the submission of a complete application if the application is for signs for existing buildings; or
 - (2) On or before the date of final action on any related application for zoning and/or building permit, site plan, or land development plan for signs involving new construction.
- b. On or before such applicable date, the Zoning/Code Enforcement Officer shall either;
 - (1) Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with the requirements of this Ordinance; or
 - (2) Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform to the requirements of this Ordinance. In case of a rejection, the Zoning/Code Enforcement Officer shall specify in the rejection the section or sections of This ordinance with which the plan is inconsistent.

L. Permits to Construct or Modify Signs. Signs identified with an "S" on Table A shall be erected, installed, or created only in accordance with a duly issued and valid sign permit from the Zoning/Code Enforcement Officer. Such permits shall be issued only in accordance with the following requirements and procedures.

1. Permit for New Sign or for Sign Modification. An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign, to the extent that such details are not contained on a Common Signage Plan then in effect for the zone lot. One application and permit may include multiple signs on the same zone lot.
2. Inspection. The Zoning/Code Enforcement Officer shall cause an inspection of the zone lot for which each permit for a new sign or for a modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier time as the owner may request. If the construction is not substantially complete at the time of the inspection, the permit shall lapse and become null and void. If the construction is substantially complete but not in full compliance with this Ordinance and any applicable building and electrical codes, the Zoning/Code Enforcement Officer shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30)

days from the date of the inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse.

- M. Sign Permits - Continuing. The owner of a zone lot containing signs requiring a permit under this Ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots, notwithstanding the fact that a particular zone lot may be included with other zone lots in a Common Signage Plan.
- N. Temporary (or Portable) Sign Permits (Private Property). Temporary (or portable) signs on private property shall be allowed only upon the issuance of a Temporary (or portable) Sign Permit, which shall be subject to the following requirements:
1. Term. A temporary (or portable) sign permit shall allow the use of a temporary (or portable) sign for a cumulative period of thirty (30) days in any calendar year.
 2. Number. Only one temporary (or portable) sign permit shall be issued to the same business license holder on the same zone lot in any calendar year.
 3. Other Conditions. A temporary (or portable) sign shall be allowed only in districts with a letter "S" for "Temporary Signs" on Table A and subject to all the requirements for temporary signs as noted herein.
- O. Permits for Signs in the Public Right-of-Way. Permits for temporary private signs in the public right-of-way shall be issued in accordance with the following conditions:
1. Term and Number of Permits. The term of such a permit shall be sixty (60) days. No more than two (2) permits for temporary signs shall be issued to any applicant in any calendar year. For any sign containing the name of a political candidate, the candidate shall be deemed to be the applicant.
 2. Number of Signs. No more than twenty (20) signs may be erected under one permit. No limit is established for the number of political signs erected under one permit.
- P. Nonconforming Existing Signs, Permits and Terms. A sign that would be permitted under this Ordinance only with a sign permit, but which was in existence on the Effective Date of this Ordinance, or on a later date when the property is annexed to the Borough, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Ordinance, shall be allowed to remain in place and be maintained, provided that no action is taken which increases the degree or extent of the nonconformity. A change in the information on the face of an existing nonconforming sign is allowed; however, any nonconforming sign shall either be eliminated or made to conform with the requirements of this Section when any proposed change, repair, or maintenance would constitute an expense of more than twenty-five (25) percent of the lesser of the original value or replacement value of the sign.

Q. Violations. Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance and by state law:

1. To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
2. To install, create, erect or maintain any sign requiring a permit without such a permit;
3. To fail to remove any sign that is installed, created, erected or maintained in violation of this Ordinance; or
4. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this Ordinance.

R. Modifications to Sign Regulations.

Where the nature of the business and its location require such visibility of signs that the dimensional requirements of this Ordinance are inadequate to reasonably attract business, the area/dimensional requirements of this Ordinance may be modified by Special Exception from the Zoning Hearing Board, but only to such extent as is necessary.

S. Sidewalk Signs. In additions to the limitations identified in Tables A and D, the following shall apply to sidewalk signs:

1. Sidewalk signs shall be permitted only in the Village and Commercial districts.
2. Sidewalk signs shall not exceed 48 inches in height and 36 inches in width.
3. Sidewalk signs shall be non-illuminated.
4. Only one (1) sidewalk sign shall be permitted per lot.
5. Sidewalk signs shall be removed from the sidewalk during the overnight hours.
6. No sidewalk sign shall block the flow of pedestrian traffic or create a hazard for persons with disabilities, nor shall a sign be placed at any bus stop, loading zone or driveway, or block corner visibility for drivers. Furthermore, no sidewalk sign shall be fastened to any tree, utility pole, parking meter, street sign or other structure.

T. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers may be erected and maintained in the C - Commercial

Zoning District and as accessory uses to institutional uses in any zoning district, provided that:

1. No Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
2. Except as noted below, Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers may not contain any flashing, pulsing, scrolling or moving lights, text or graphics, or any full-motion video.
3. When approved as a Special Exception by the Zoning Hearing Board, Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers, may also contain electrically activated, patterned illusionary movement (animation) as defined in this Ordinance. As part of its approval, the Zoning Hearing Board may attach whatever conditions it deems necessary (a) to maintain the character of the neighborhood in which the sign is located and (b) to mitigate any negative impacts on neighboring properties and/or uses.
4. Change Interval. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers must provide a minimum change interval of at least five (5) seconds. A “change interval” is defined as the time period in which the display of an electronic sign must remain static and during which the display may not transition to display another advertisement.
5. Transition Interval. Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers must provide a maximum transition interval of one (1) second. The “transition interval” is defined as the time period in which the display of an electronic sign transitions to another display.
6. On-premises Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers shall not be illuminated more than one-half hour before the time at which the premises is open to the public or more than one-half hour after the time at which the premises is closed to the public, or 11:00 p.m., whichever is later, unless a Special Exception to allow longer hours is granted by the Zoning Hearing Board.
7. The changeable portion of an Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall not exceed an area of thirty-two (32) square feet, unless a Special Exception to allow a larger area is granted by the Zoning Hearing Board.
8. The display may only be used to advertise goods and services sold on-premises, time and temperature, and public service announcements.

9. No Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall be permitted on any residential land use.
10. Any premises with an Electrically Activated Changeable Sign or Electronic Reader Board/Message Center shall not be permitted to have any other freestanding sign on the property.
11. Streaming video is prohibited.

SECTION 10.13 - CONVERSION APARTMENTS. In any district where permitted, structures existing at the date of the adoption of this Ordinance may be converted into apartments, provided the habitable floor area is in accordance with the regulations of this Ordinance for the district in which the structure is located.

SECTION 10.14 - OUTDOOR SWIMMING POOLS. A zoning and/or building permit shall be required for the installation or construction of a private outdoor swimming pool on the same lot as the principal residence subject to the following conditions:

- A. In-ground pools may be erected or installed in any required rear yard or required side yard, but not in the front yard. Above-ground pools may be erected or installed in any required rear yard, but not in the required side yard or front yard. (Amended October 9, 2013)
- B. The pool shall not be located closer to the front of the lot than the front wall of the principal building.
- C. The water edge of such pool shall not be located nearer to adjacent property lines than the following:
 1. For an in-ground pool, a distance not less than fifty (50) percent of the required side yard or rear yard setback; or (Amended October 9, 2013)
 2. For an above-ground pool, the side yard setback line or five (5) feet from any property line if located in the rear yard.
- D. Any such pool shall be completely surrounded by a fence or wall that is not less than four (4) feet in height. All gates or doors opening through said fence shall be erected, maintained and provided with a self-closing, self-locking gate to prevent unauthorized use of the pool and to prevent accidents. However, if said pool is located more than four (4) feet above the ground level, then a fence is not required, provided that all points of access to said pool are adequately protected.
- E. An approved temporary construction fence shall be erected around the excavation site during the construction of an in-ground pool and shall remain in place until the permanent fence is installed.
- F. Water shall not be placed into a swimming pool until a Certificate of Zoning Compliance has been issued.

- G. Public Swimming Pools or Swimming Pools Accessory to Nonresidential Uses. In the case of public swimming pools or swimming pools accessory to nonresidential uses, the provisions of subsections B. through F. shall apply.

SECTION 10.15 - LANDSCAPING AND SCREENING

A. Landscaping

1. Any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be planted and maintained with landscaping.
2. Except for single-family detached, single-family semi detached, two-family detached dwellings and two-family semi-detached dwellings, any part or portion of a site which is not used for buildings or other structures, loading and parking spaces and aisles, sidewalks and designated storage areas shall be landscaped according to an overall plan, prepared and approved as part of a Land Development Plan required under the Borough's Subdivision and Land Development Ordinance.

B. Planting Strip.

All commercial, industrial and nonresidential uses shall be separated from all side and rear property lines and all street right-of-way lines by a planting strip. The planting strip may be included in the required yard space and shall be based on the following criteria:

1. The planting strip shall be ten (10) feet wide, measured from the property line or street right-of-way line.
2. Said planting strip shall be planted in grass, shrubbery, trees, or other plant material, but in no case shall these areas be paved or covered by an impervious surface.
3. Said planting strip shall only be broken by approved entrances or exits.
4. Accessory buildings or structure shall be permitted within a planting strip provided they conform to the specific District requirements of this Ordinance.
5. Exceptions. Except as may be required by the Planning and Zoning Commission (or the Zoning Hearing Board in the case of a Special Exception) on a case-by-case basis:
 - a. No planting strip is required along a side or rear property line when the side or rear property line abuts a public alley.
 - b. No planting strip is required along a side and/or rear property line where the adjacent owners have a written agreement, suitable to Borough Council, waiving the side and/or rear yard setbacks relating to parking facilities along their abutting property line(s).

C. Screening

1. Screening requirements shall be applicable under the following circumstances:
 - a. Where a proposed commercial, industrial, or institutional use abuts an existing residential use or residential district.
 - b. Where any proposed multi-family residential use abuts an existing single-family detached, single-family semi-detached, two-family detached or two-family semi-detached dwelling.
 - c. Any other instance where screening is required by this Ordinance or by the Borough.
2. Screening shall comply with the design requirements of Sections 1103 and 1104 of the Borough of Orwigsburg Subdivision and Land Development Ordinance.
3. Exceptions. Except as may be required by the Planning and Zoning Commission (or the Zoning Hearing Board in the case of a Special Exception) on a case-by-case basis:
 - a. No screening is required along a side or rear property line when the side or rear property line abuts a public alley.
 - b. No screening is required along a side and/or rear property line where the adjacent owners have a written agreement, suitable to Borough Council, waiving the side and/or rear yard setbacks relating to parking facilities along their abutting property line(s).

D. Off-Street Parking Areas.

1. Wherever a parking area of over five (5) spaces abuts or is within fifteen (15) feet of the side or rear lot line of a lot in any Residential District, the said parking lot shall be screened from such adjoining lot by a substantial wall, fence, or thick hedge, approved by the Planning and Zoning Commission.
2. Whenever a parking area of over five (5) spaces is located across the street from other land in any Residential District, it shall be screened from the view of such land by a thick hedge, wall, or fence approved by the Planning and Zoning Commission, located along a line drawn parallel to the street and a distance of twenty (20) feet there from; such screening to be interrupted only at points of ingress and egress.
3. Screening shall comply with the design requirements of Sections 1103 and 1104 of the Borough of Orwigsburg Subdivision and Land Development Ordinance.

E. Service, Loading and Trash Disposal Areas.

1. All service, delivery, loading and outdoor storage and trash disposal areas shall be screened from all residential districts, public streets, parking lots and pedestrian walkways.
2. These areas shall be totally screened from the above-listed places by the use of fences, walls, berms, evergreen plant material, or a combination of these, not less than six (6) feet in height.

F. All mechanical equipment not enclosed in a structure shall be fully and completely screened in a manner compatible with the architectural and landscaping style of the remainder of the lot.

G. Water towers, storage tanks, processing equipment, fans, skylights, cooling towers, vents and any other structures or equipment which rise above the roof line shall be architecturally compatible or effectively shielded from view from any public or private dedicated street by an architecturally sound method which shall be approved, in writing, by the Borough Council before construction or erection of said structures or equipment.

SECTION 10.16 - PERFORMANCE STANDARDS. No land or building in any District in the Borough shall be used or occupied in such a manner so as to create any dangerous or objectionable elements in such amount as to adversely affect the surrounding area or premises. All uses of land or building shall initially and continuously comply with all applicable performance standards established by Federal and State agencies. Performance standard determination shall be administered in accordance with the following:

- A. Any normal replacement or addition of equipment and machinery not affecting the operations or the degree of nature of dangerous and objectionable elements emitted shall not be considered a change in use.
- B. After occupancy, if there occurs continuous or frequent, even though intermittent, violations of the Performance Standards and other provisions for a period of five (5) days, without bona fide and immediate corrective work, the Borough shall suspend or revoke the Certificate of Zoning Compliance and the operation shall immediately cease until it is able to operate in accordance with these regulations, at which time the Certificate of Zoning Compliance shall be reinstated.
- C. The Borough shall investigate any alleged violation of Performance Standards, and if there are reasonable grounds to believe that a violation exists, the Borough shall investigate the alleged violation, and for such investigation may employ qualified experts.
- D. A copy of said findings shall be forwarded to Borough Council. The services of any qualified experts employed by the Borough to advise in establishing a violation shall be paid for by the violator, if it shall be determined that a violation is proved, and otherwise by the Borough. No new Certificate of Zoning Compliance shall be issued unless such charges have been paid to the Borough.

SECTION 10.17 - ACCESSORY COMMERCIAL USE

- A. Permitted Uses. In apartment developments, multi-family dwelling developments and office centers, all of which contain not less than one hundred (100) units or combination of units, the following commercial accessory uses are permitted by Special Exception:
1. Eating facilities
 2. Delicatessens
 3. Pharmacies
 4. Newsstand, stationery or book store
 5. Gift Shop
 6. Automatic laundry or dry cleaning shop, or pick-up point
 7. Barber or beauty shops
 8. Convenience food store
- C. Area and Bulk Regulations. Such uses shall not have exterior signs, advertising or show windows, shall not include the outside storage of materials, equipment or merchandise, and the total area devoted to such commercial use shall not exceed four (4) percent of the total gross floor area of the development.

SECTION 10.18 - ADULT BOOK STORES AND ADULT THEATERS. Borough Council may approve Adult Book Stores and Adult Theaters in the I-1 - General Industrial District by Conditional Use according to the procedures and requirements specified below:

- A. Purpose. The purpose of this Section is to provide for the establishment of adult bookstores within the Borough at such places, and in such manner, as is appropriate and reasonable; and to establish reasonable regulations which take into consideration the potential for adverse impact from such businesses upon adjoining property owners, occupants and uses.
- B. Interpretation and Application. This Section shall be interpreted and applied in a manner consistent with the Constitution and shall not be applied to unduly restrict or infringe upon rights guaranteed thereby.
- C. Severability. The provisions of this Section shall be severable and in the event any one thereof shall be determined to be invalid or unenforceable such determination shall not operate to repeal or invalidate the remaining provisions.
- D. As used in this Ordinance, the following terms, word and phrases shall have the meanings ascribed to them by this Section:

1. Adult Book Store: An establishment open to the general public in which twenty (20) percent or more of the occupied sales or display area offers for sale, for rent or lease, for loan, or for view upon the premises, pictures, photographs, drawings, prints, images, sculpture, still film, motion picture film, video tape, or similar visual representations distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity, or books, pamphlets, magazines, printed matter or sound recordings containing explicit and detailed descriptions or narrative accounts distinguished or characterized by an emphasis on sexual conduct, or offers for sale of sexual devices.
 2. Adult Theater: A building or a room within a building open to the general public, used for presenting live entertainment, motion picture film, video tape or similar visual representation of materials distinguished or characterized by an emphasis on sexual conduct or sexually explicit nudity.
 3. Sexual Conduct: Ultimate sexual acts, normal or perverted, actual or simulated, involving a person or persons, or a person or persons and an animal, including acts of masturbation, sexual intercourse, fellatio, cunnilingus, anilingus or physical contact with a person's nude or partially denuded genitals, pubic area, perineum, anal region, or, if such person be female, a breast.
 4. Sexual Device: Any artificial human penis, vagina or anus, or other device primarily designed, promoted, or marketed to physically stimulate or manipulate the human genitals, pubic area, perineum or anal area, including dildoes, penisators, vibrators, vibrillators, penis rings and erection enlargement or prolonging creams, jellies or other such chemicals or preparations.
 5. Sexually Explicit Nudity: The sexually oriented and explicit showing, by any means, including but not limited to, close-up views, poses or depictions in such position or manner which present or expose such areas to the following: post pubertal, full or partially developed human female breast with less than a fully opaque covering of any portion thereof below the top of the areola or nipple; the depiction of covered human male genitals in a discernible turgid state; or lewd exhibition of the human genitals, pubic area, perineum, buttocks or anal region, with less than a fully opaque covering.
- E. The use and occupancy of any land, building or structure as an adult book store or an adult theater shall be subject to the following:
1. An adult book store or an adult theater shall be permitted only in an I-1 - General Industrial District.
 2. An adult book store or an adult theater shall not be permitted to be located within five hundred (500) feet of any of the following:
 - a. Any building or other structure used for residential purposes.
 - b. The geographical boundary line of the I-1 - General Industrial District.

- c. The geographical boundary line of the Borough.
- 3. An adult book store or an adult theater shall not be permitted to be located within one thousand (1,000) feet of any of the following:
 - a. Any public or private school, public park or playground, or any church or other house of worship.
- 4. No materials, merchandise, or film offered for sale, rent, lease, loan or for view upon the premises shall be exhibited or displayed outside of a building or structure.
- 5. Any building or structure used and occupied as an adult book store or adult theater shall be windowless, or have an opaque covering over all windows or doors of any area in which materials, merchandise, live entertainment or film shall be visible from outside of the building or structure.

SECTION 10.19 - BED AND BREAKFAST INNS. Bed and Breakfast Inns in existing structures may be approved according to the procedures and requirements specified below:

- A. The structure shall contain a minimum of 1,000 square feet of gross floor area.
- B. All Bed and Breakfast units shall be contained within the principal structure.
- C. There shall be no more than one Bed and Breakfast unit per 500 square feet of gross floor area in the principal structure.
- D. All area and bulk regulations of the prevailing zoning district for single family dwellings shall apply.
- E. In addition to the two (2) spaces required for the principal dwelling, there shall be one (1) off-street parking space per Bed and Breakfast unit.
- F. Dining and other facilities shall not be open to the public but shall be exclusively for the residents and registered Bed and Breakfast guests.
- G. Signs shall conform to the requirements of Section 10.12.

SECTION 10.20 - CHILD OR ADULT DAY CARE FACILITIES.

- A. Recognizing the growing need for child and adult day care facilities, it is the intent of the Borough to encourage the establishment of such facilities in a manner which will preserve the character of residential neighborhoods while meeting the operational and physical standards of the Pennsylvania Department of Public Welfare (DPW). Child and adult day care facilities, operated within a residence, are not subject to the requirements for home occupations or home businesses contained elsewhere in this Ordinance.

- B. The provisions of this Section shall apply to child or adult day care facilities providing service for all or part of a 24-hour day for children under 16 years of age, or for persons who are otherwise disabled. Day care facilities shall include day care homes and day care centers as defined by this Ordinance, many of which are subject to Chapter II, Sections 8A, 8B, and 8C of DPW Social Services Manual Regulations. This Section does not apply to activities excluded by the definition of "child or adult day care" in this Ordinance or child day care service furnished in places of worship during religious services.
- C. The following general provisions apply to all child or adult day care facilities.
1. All child day care facilities shall comply with all current DPW regulations including those standards governing adequate indoor space, accessible outdoor play space and any applicable state or local building and fire safety codes.
 2. The operator of a day care facility will allow appropriate representatives of the municipality to enter the property to inspect such use for compliance with the requirements of this Ordinance.
 3. Hours of outside play shall be limited to the hours of 8:00 a.m. until sunset, as defined by the National Weather Service.
 4. An outdoor play area, as required by DPW regulations, shall be provided for child day care facilities and shall not be located in the front yard.
 5. Adequate water and sewer service shall be provided to the site.
 6. Child drop-off areas shall be designed to eliminate the need for pedestrians to cross traffic lanes within or adjacent to the site.
 7. Fencing shall be provided to restrict occupants from hazardous areas, such as open drainage ditches, wells, holes, and arterial and major collector roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict occupants from these areas.
 8. The expansion of a day care home to a day care center shall require a special exception.
 9. Adult and child day care facilities shall not provide medical or personal care services which extend beyond simple first aid and assistance with dressing, bathing, diet, and medication prescribed for self administration unless licensed by the DPW to provide such services.
 10. When applying for a special exception, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, driveways, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), merchandise delivery areas, parking spaces, and the child or adult drop-off circulation pattern.

D. Day Care Homes: In addition to the provisions of C. above, day care homes shall comply with the following:

1. If care is provided to more than six (6) adults and/or children at any one time, the facility must have an approved and currently valid DPW registration certificate. Proof of DPW registration renewal must be supplied to the Borough every year.
2. Any external evidence of such use shall be limited to one (1) non-illuminated sign subject to the sign regulations in this Ordinance.
3. Day care homes shall only be permitted in single-family dwellings and shall not be permitted in accessory buildings.
4. The person primarily responsible for the day care home shall be a full-time resident.
5. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children or adults.

E. Day Care Centers: In addition to the provisions of C. above, day care centers shall comply with the following:

1. The facility must have an approved and currently valid DPW license. Proof of DPW annual license renewal must be supplied to the Borough every year.
2. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children or adults.
3. If the facility has access to streets of different classifications, access shall be provided using the street of lesser functional classification.
4. Play equipment shall be located at least ten (10) feet from an abutting property line.
5. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, merchandise delivery areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.
6. Day care centers may be permitted as an accessory use to churches, schools, community centers, recreation centers, and similar uses by special exception. Accessory day care centers must comply with all other requirements for day care centers. In addition, evidence must be submitted

to document that indoor space, outdoor play space, and safe vehicular access are provided in accordance with DPW requirements.

- F. The applicant shall demonstrate compliance, with the requirements of this Ordinance and, where required, shall request a special exception from the Zoning Hearing Board. If the day care facility will be subject to DPW requirements, evidence of the ability to comply with said requirements must be provided prior to the issuance of a Certificate of Zoning Compliance by the Zoning/Code Enforcement Officer.

SECTION 10.21 - LIFE CARE AND RETIREMENT COMMUNITIES. Where permitted use, life care and retirement communities shall comply with the applicable District regulations and the following additional provisions:

- A. The life care / retirement community and accessory facilities shall be designed and used to serve its residents and their guests only.
- B. The life care / retirement community shall be planned, developed, and operated according to a unified plan under the direction of a single owner or agent for the owner.
- C. The maximum gross density within a life care / retirement community shall not exceed twelve (12) dwelling units per acre. For the purposes of this section, four (4) beds for patient, resident and/or staff person use provided within a medical facility within the life care community shall be deemed the equivalent of one (1) dwelling unit.

A density bonus of 0.25 dwelling units per gross acre may be added to the base density provisions for each design objective (as contained within this sub-section) achieved as part of the land development plan application. The maximum permitted density bonus shall not exceed 1.5 dwelling units per gross acre. As part of the land development plan application, Orwigsburg Borough may consider a density bonus for the following design objectives:

- 1. The application provides consideration for active recreation facilities on at least thirty (30) percent of the total land area designated as open space within the life care and retirement community.
- 2. The application provides for passive recreation, educational, agricultural, and/or ecological opportunities that are considered schematically planned, contiguous and/or integrated with other passive recreation areas on at least twenty (20) percent of the land area designated as open space within the life care or retirement community.
- 3. The land development plan application provides additional open space areas beyond the minimum requirement of thirty (30) percent of the gross tract area, regardless of configuration, such that a 0.25 residential density bonus shall be incrementally applied for each additional ten (10) percent of the gross tract area that is designated as open space within the life care or

retirement community. The maximum density bonus for this provision shall not exceed 0.75 dwelling unit per acre.

4. The life care or retirement community is designed with unique or enhanced architectural features, including utilizing natural building products for the building face (brick, stone or masonry products) and rooflines (mansards, gables or hip roof designs).
 5. The life care or retirement community is designed with enhanced streetscape improvements, including utilizing landscaping, lighting, and other aesthetic features as part of the overall design.
 6. The application provides consideration to fund and complete substantial public improvements to mitigate off-site impacts of the life care or retirement community, such as traffic, drainage and utility improvements, as identified by Orwigsburg Borough to significantly reduce the need for public expenditures to resolve the needs of the community.
- D. The life care / retirement community may provide individual dwelling units in any combination of single or multiple-family dwellings and shall include a community center. The community center can be comprised of an auditorium, activity rooms, craft rooms, library, lounges, or similar recreational facilities for members of the life care community. A minimum of 5% of the gross floor area shall be dedicated as and utilized for the community room. (Amended October 11, 2017)
- Additional facilities that can be provided as part of the life care / retirement community may include: (Amended October 11, 2017)
1. Dining facilities;
 2. Medical facilities, including treatment, nursing and convalescent facilities, as to life care communities only;
 3. Office and retail service facilities designed and adequate to serve only the members of the life care / retirement community, including but not necessarily limited to doctor's offices, pharmacy, gift shop, coffee shop.
- E. A minimum of thirty percent (30%) of the total tract area shall be designated as and used exclusively for common open space. The common open space shall be developed per the requirements of the respective sections of Article X, Ownership (Section 11.06.B), location (Section 11.06.A), design and layout (Section 11.05), and maintenance (Section 11.06.C). (Amended October 11, 2017)
- F. There shall be a minimum setback of one hundred (100) feet from all tract boundaries in which no structures, including parking areas, shall be located. The buffer yard and screening provisions of this Article (Section 10.15) shall be incorporated within setback areas. (Amended October 11, 2017)
- G. The maximum height of any building within the life care or retirement community shall be limited to three (3) floors of living space or forty-five (45) feet.

SECTION 10.22 - SATELLITE DISH ANTENNAS

- A. The following types of satellite dish antennas shall be allowed in all Zoning Districts and shall not require a permit for same, but shall observe setback regulations if applicable.
1. Dishes that are one (1) meter (39.37 inches) or less in diameter for private TV reception or internet access.
 2. Dishes used for credit card or other business transactions usually placed on rooftops.
- B. The location of all satellite dish antenna must comply with the set back restrictions for the principal use and shall not be located in front of the principal building, unless applicable provisions of the Federal Communications Commission would be violated.
- C. All ground-mounted satellite dish antennas located within the I-1 General Industrial District that are used to transmit video format data shall be completely enclosed by an eight-foot-high non-climbable fence that includes signage warning of dangerous radiation levels. Any gates within the fence shall be locked when unattended. Satellite dish antennas within the I-1 General Industrial District shall comply with all principal use standards;

SECTION 10.23 - WIND ENERGY CONVERSION SYSTEMS. The Zoning Hearing Board may approve Wind Energy Conversion Systems in the I-1 - General Industrial Districts according to the procedures and requirements specified below:

- A. One windmill or windwheel shall be permitted per property.
- B. The structure supporting the wind rotor unit, including any required supporting cables, etc., shall not be connected to any occupied structure and shall be located a minimum distance of the wind rotor unit tower height, plus ten (10) feet, from any occupied dwelling.
- C. The maximum height of the wind rotor and tower shall be determined as follows:

<u>Minimum Distance From All Property Lines</u>	<u>Maximum Tower Height</u>
75 ft. - 85 ft.	35 ft.
86 ft. - 95 ft.	40 ft.
96 ft. - 100 ft	45 ft.
More than 100 ft.	50 ft. to 75 ft.

The tower height may be increased from 50 ft. up to a maximum of 75 feet, with the allowance of each one foot of setback from 101 ft.

- D. All mechanical equipment and buildings associated with the operation shall be enclosed with a six (6) foot fence. The tower shall also be enclosed with a six (6)

foot fence, unless the base of the tower is not climbable for a distance of twelve (12) feet.

- E. When a building is required for storage cells or related mechanical equipment, the building may not exceed 150 square feet in area or 8 feet in height, and must be located at least 75 feet from any property line.
- F. All electric and other utility wires associated with the Wind Energy Conversion System shall be buried underground.
- G. The applicant shall demonstrate that any noise emanating from the wind energy conversion system shall not exceed sixty (60) decibels measured at the nearest property line.
- H. If the wind energy conversion unit is abandoned from use, the tower and related structures shall be dismantled and removed from the property within ninety (90) days.
- I. The energy generated from the wind energy conversion system shall be used on the property on which it is located and shall not be operated as a commercial enterprise.

SECTION 10.24 - HOME BUSINESS. The Zoning Hearing Board may approve Home Businesses according to the procedures and requirements specified below:

- A. The conduct of a home business shall be limited to the resident-operator and not more than two (2) nonresident employees.
- B. A home business shall be limited to the following and to uses similar thereto: dressmaking, millinery, seamstress, art studio, professional and business offices of a physician, dentist, lawyer, engineer, architect, landscape architect, accountant, barber or beauty shop, real estate and insurance agents, salesmen, public officials, and teachers when limited to a single pupil at a time.
- C. Home businesses are limited to fifty (50) percent of the total floor area of the principal building and any accessory building(s) in existence on the date of enactment of this Ordinance.
- D. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and the exterior appearance of the structure and premises shall remain residential in character.
- E. There shall be no exterior evidence of the home business except a permitted sign and the use shall cause no offensive noise, vibration, smoke, dust, odor, heat or glare.
- F. Hereafter, no home business shall be permitted unless off-street parking space is provided. The off-street parking shall be in addition to the spaces required for the principal residential use and shall be such additional space as shall be required by the Board for the specific use.

SECTION 10.25 - ESSENTIAL SERVICES.

Essential Service buildings and structures shall be permitted in any district without regard to the use and area regulations; provided, however, that buildings erected for these utilities shall be subject to the following regulations:

- A. Where feasible, required front, side and rear yards shall be provided in accordance with the regulations of the district in which the building is located.
- B. Height of building or structure shall be as required by the district regulations.
- C. Unhoused equipment shall be enclosed with a chain link fence six (6) feet in height.
- D. Housed Equipment - When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yard shall be maintained in conformity with the district in which the facility is located.
- E. Screen Planting in Residential Districts - The required fence for unhoused equipment shall be screened as defined by this Ordinance.
- F. The external design of the building shall be in conformity with the buildings in the district.

SECTION 10.26 - ACCESSORY APARTMENTS. The Zoning Hearing Board may approve Accessory Apartments according to the procedures and requirements specified below:

- A. The habitable floor area of the accessory apartment shall not exceed seven-hundred twenty (720) square feet.
- B. Only one accessory apartment may be permitted within a single-family detached dwelling or on a single-family detached lot.
- C. An accessory apartment may only be permitted and may only continue in use as long as the principal dwelling is occupied by the owner of said dwelling.
- D. The lot area for the principal dwelling shall meet the minimum lot area requirement for the applicable district where located.
- E. The exterior architectural character of the principal dwelling shall not be altered in a manner which departs from the primary feature of the building as a single-family detached dwelling unit. Any permitted detached accessory apartment structure shall also be architecturally compatible.
- F. One additional off-street parking space shall be provided.
- G. The applicant shall submit a plan and supporting documentation to establish compliance with the dimensional requirements of the District in which the lot is located and architectural compatibility.

SECTION 10.27 - CLUSTER DEVELOPMENTS. In Cluster Developments, the following regulations shall apply:

- A. Purpose. In addition to the general goals listed elsewhere in this Ordinance, it is the purpose of this Section to add flexibility in providing for future Borough needs, in keeping abreast of new building methods and materials, and in providing for the proper planning of:
1. Dwellings, and groups thereof, allowing variety in lot arrangement, orientation, and lot size, yet maintaining an overall density close to that which would result from more orthodox development strictly according to the Area, and Bulk Regulations herein;
 2. Commercial buildings, and groups thereof, to achieve greater convenience and safety for the public through improved methods of merchandising, distribution of services and efficient use of land for parking, circulation and other factors advantageous to the public welfare, which can be possible in the modern shopping center; and
 3. Industrial buildings, and groups thereof, to achieve greater harmony between off-street parking areas, loading areas, on-site circulation with minimum conflict with traffic on the Borough roads, while maintaining open space on the individual lots for better retention of storm water runoff and stabilization of the soils and natural vegetation which can accrue from the industrial park;

The above will necessitate variation in the lot width, lot area and yard requirements otherwise prescribed in this Ordinance without deviating from prescribed coverage regulations. The following regulations shall apply:

- B. Residential Cluster Developments. In a Cluster Development as permitted in the R-2 and R-3 Residential Districts, the following Minimum Lot Size, Minimum Yard, Minimum Lot Width and Maximum Coverage regulations shall apply:
1. The development area shall:
 - a. Be not less than four (4) acres;
 - b. Have a density not greater than otherwise permitted in the applicable Districts.
 - c. Contain only those uses permitted in the Residential District or Districts in which the Cluster Development exists.
 - d. Contain not less than thirty (30) percent of the total area of the Cluster Development in common open space, not over one-third (1/3) of which may be used for stormwater management facilities.
 2. The applicable District Minimum Lot Size, Width and Yard regulations shall be modified sufficiently to achieve the permitted density, but the Coverage regulations shall remain unchanged.

3. Common open space may be used or reserved for park, woodland, golf course, playground and other similar recreational use, provided, however, that no single parcel shall be less than four (4) acres exclusive of public utility rights-of-way which may exist; park structures and recreation equipment or apparatus may be included as accessory use structures.
4. Ownership, location, design and layout, and maintenance of common open space shall be in accordance with the requirements of open space for open space developments in Article XI.
5. As a condition of approval of the Cluster Development all uses shall be served with Pennsylvania Department of Environmental Protection approved public water and public sewer.

C. Commercial Cluster Development / Shopping Center. Within any C - Commercial District, a retail shopping center may be developed on a parcel of land containing not less than five (5) acres, subject to the granting of a Special Exception by the Zoning Hearing Board, and provided that:

1. The plan and location is consistent with the Comprehensive Plan for the orderly development of the Borough.
2. The appropriate use of property adjacent to the shopping center shall be safeguarded.
3. The development shall consist of a harmonious grouping of buildings, service and parking areas planned as an integral unit, in such manner as to constitute a safe, efficient and convenient retail shopping center.
4. A shopping center shall be under unified management which shall clearly establish centralized responsibility for the operation and maintenance of the project including all common areas.
5. There shall be a minimum of two (2) separate points of ingress and egress and no access points shall be located within one hundred twenty-five feet (125') of intersecting streets, unless such points are located directly at an intersection.
6. Traffic circulation within a shopping center project shall be designed to minimize pedestrian and vehicular mixing and congestion. Circulation shall be provided along the outer perimeters and along store entrances.
7. Off-street parking shall be provided in accordance with "Shopping Center: in Section 10.08, herein.
8. All buildings within the site shall be served with public sewerage and public water.
9. Signs shall be permitted in accordance with the applicable provisions of Section 10.15.

10. If the development is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this Ordinance shall be fully complied with at the completion of any stage.

D. Industrial Cluster Development / Industrial Parks. Within any I-1 - General Industrial District or I-2 Transition Industrial District, an industrial park may be developed on a parcel of land containing not less than ten (10) acres, subject to the granting of a Special Exception by the Zoning Hearing Board, and provided that:

1. The plan and location is consistent with the Comprehensive Plan for the orderly development of the Borough.
2. The basic scheme or arrangement of major circulation and tentative arrangement of lots shall be approved by the Zoning Hearing Board.
3. All Height and Bulk Regulations of the applicable Industrial District shall be complied with, including the requirement of effective screening.
4. The appropriate use of property adjacent to the industrial park shall be safeguarded.
5. The development shall consist of a harmonious grouping of buildings, service and parking areas planned as an integral unit, in such manner as to constitute a safe, efficient and convenient industrial park.
6. The industrial park shall be under unified management which shall clearly establish centralized responsibility for the operation and maintenance of the project including all common areas.
7. There shall be a minimum of two (2) separate points of ingress and egress and no access points shall be located within one hundred twenty-five feet (125'0") of intersecting streets, unless such points are located directly at an intersection.
8. Traffic circulation within an industrial park project shall be designed to minimize pedestrian and vehicular mixing and congestion.
9. Off-street parking shall be provided in accordance with Section 10.08, herein.
10. All buildings within the site shall be served with public sewerage and public water.
11. Signs shall be permitted in accordance with the applicable provisions of Section 10.15.
12. If the development is to be carried out in stages, each stage shall be so planned that the foregoing requirements and the intent of this Ordinance shall be fully complied with at the completion of any stage.

- E. Development Plan. For each Residential Cluster Development, Commercial Cluster/Shopping Center Development, and Industrial Cluster/Industrial Park Development, a Land Development Plan shall be prepared, submitted and approved in accordance with the requirements of the Orwigsburg Borough Subdivision and Land Development Ordinance.

SECTION 10.28 - ATTACHED DWELLINGS IN THE R-1 AND R-2 DISTRICTS. The Zoning Hearing Board may approve Attached Dwellings (Townhouse/Row) in the R-1 and R-2 Residential Zoning Districts according to the procedures and requirements specified below:

A. Density and Area Requirements - R-1 District:

Attached dwellings may be permitted as a component of residential developments on tracts of twenty-five (25) acres or greater in the R-1 District. All attached dwellings shall be located in only one portion of the tract. The portion of the overall tract devoted to attached dwellings and their appurtenances (including, but not limited to, required yard areas, parking areas, driveways, etc.) shall not exceed twenty (20) percent of the total area of the overall tract.

Maximum Gross Density ⁽¹⁾	4 dwelling units/acre
Interior Lot Width (minimum).....	20 feet
Required Front Yard Setback (minimum).....	30 feet
Required Side Yard for End Units (minimum).....	30 feet
Required Rear Yard (minimum).....	30 feet

(1) Portion of the overall tract devoted to attached dwellings and their appurtenances only

B. Density and Area Requirements - R-2 District:

Attached dwellings may be permitted as a component of residential developments on tracts of six (6) acres or greater in the R-2 District. All attached dwellings shall be located in only one portion of the tract. The portion of the overall tract devoted to attached dwellings and their appurtenances (including, but not limited to, required yard areas, parking areas, driveways, etc.) shall not exceed fifty (50) percent of the total area of the overall tract.

Maximum Gross Density ⁽¹⁾	6 dwelling units/acre
Interior Lot Width (minimum).....	20 feet
Required Front Yard Setback (minimum).....	30 feet
Required Side Yard for End Units (minimum).....	20 feet
Required Rear Yard (minimum).....	25 feet

(1) Portion of the overall tract devoted to attached dwellings and their appurtenances only

- C. No less than three (3) and no more than six (6) dwelling units shall be permitted in a group of attached dwellings.
- D. All attached (townhouse/row) dwellings must be served by public water and sewer.

SECTION 10.29 - RECREATIONAL COURTS. Recreational courts, such as basketball courts, tennis courts, pickleball courts, etc. are permitted accessory uses in all Residential Zoning Districts, subject to the following: (Amended May 23, 2023)

- A. No tennis court or pickleball court facility shall be permitted unless it is protected by an open mesh permanent fence ten (10) feet in height behind each baseline extending ten (10) feet beyond the playing area in each direction.
- B. No facility, including fence, as necessary, shall be permitted to be located within ten (10) feet of any property line, nor exceed ten (10) feet in height, unless approved by special exception from the Zoning Hearing Board.
- C. No facility, including fence, shall be located closer to the front of the lot than the front wall of the principal building.
- D. . If lighting is provided, it shall be arranged so that there is no objectionable glare on adjoining properties.

SECTION 10.30 - COMMUNICATION ANTENNAS, TOWERS AND EQUIPMENT

- A. General requirements for Communications Antennas and Communications Buildings
 - 1. Building or structure mounted Communications Antennas shall not be located on any residential structure.
 - 2. Building or structure mounted Communications Antennas shall be permitted to exceed the height limitations of the applicable zoning districts by no more than twenty (20) feet.
 - 3. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches in diameter.
 - 4. Directional or panel Communications Antennas shall not exceed five (5) feet in height and three (3) feet in width.
 - 5. Any applicant proposing Communications Antennas to be mounted on a building or other structure shall submit evidence from a Pennsylvania registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
 - 6. Any applicant proposing Communications Antennas to be mounted on a building or structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the structure for review by the Building Code Official.
 - 7. Any applicant proposing Communications Antennas to be mounted on a building or structure shall submit evidence of agreements and/or

easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications Equipment can be accomplished.

8. Communications Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
9. Communications Antennas shall not cause radio frequency interference with other communications facilities located within Orwigsburg Borough.
10. A Communications Equipment Building shall be subject to the height and setback requirements of the applicable Zoning District for an accessory building.
11. The owner and operator of Communications Antennas shall be licensed by the Federal Communications Commission to operate such antennas, and shall provide a copy of such license to the Borough.

B. General requirements for Communications Towers

1. The applicant shall be required to submit to the Borough evidence of the need for the Communications Tower and that all alternatives have been exhausted to constructing the Communications Tower in the Borough. Applicants are required to prove need by providing evidence, including coverage diagrams and technical reports, that, in terms of location and construction, there are no existing towers, Communications Towers, buildings or structures able to provide the platform for the necessary equipment for one or more of the following reasons:
 - a. Planned equipment would exceed the structural capacity of the existing Communications Towers, buildings or structures, and existing Communications Towers, buildings or structures, cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost; or
 - b. Planned equipment will cause interference with other existing or planned equipment for that Communications Tower, building or structure and the interference cannot be prevented at a reasonable cost; or
 - c. Existing or approved Communications Towers, buildings or structures do not have the space on which planned equipment can be placed so it can function effectively and at least be in parity with other similar equipment in place or planned; or
 - d. Other reasons make it impractical to place the equipment by the applicant on existing and approved Communications Towers.

2. No Communications Tower shall be permitted within Orwigsburg Borough that is of a height that would require attached lighting as required by standards of the Federal Aviation Administration (FAA). Other lighting shall be permitted in accordance with the provisions contained elsewhere in this Ordinance.
3. Communications Towers may not be located on a lot that is listed on a historic register or in an officially designated state or federal historic district.
4. Communications Towers shall be no closer than one thousand (1,000) feet from another Communications Tower, such distance being measured as a horizontal distance from tower to tower.
5. The applicant for a Communications Tower must execute an agreement with Borough, in a recorded instrument legally sufficient to the Borough, reviewed by the Solicitor, requiring the removal of the Communications Tower within one (1) year after the Communications Tower ceases to function as such. Removal of the Communications Tower shall include the tower, all appurtenances or component parts thereof, including any associated buildings or structures.

a. Responsibility of Owner and Occupant of Premises for Removal:

No person, firm, or corporation owning or occupying any property within Orwigsburg Borough shall permit, leave or cause to be left any Communications Tower, appurtenances, or component part thereof, including any associated buildings or structures on said property on and after the aforesaid one year period. A Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures so remaining on the premises after the prescribed removal date shall be deemed in violation of the provisions of this section.

b. Notice to Conform:

Orwigsburg Borough is hereby authorized, and directed to give notice, by a personal service or US mail to the owner or occupant, or both, as the case may be, by certified mail of the violation of the provisions of this Ordinance, and directing and requiring said owner or occupant to conform with the requirements of this Ordinance within 30 days after issuance of such notice.

c. Violations and Penalties:

In case any person, firm or corporation shall neglect, fail or refuse to comply with said notice within the period of time stated therein, Orwigsburg Borough may enter the premise and remove the Communications Tower, all appurtenances or component part thereof, including any associated buildings or structures. In such event, all costs associated with the removal, together with

reasonable attorney's fees and any additional payment authorized by law, may be collected by Orwigsburg Borough from such person, firm or corporation in the manner provided by law for collection of municipal claims or by an action of assumpsit.

6. A security fence and gate, of approved design, of not less than eight (8) feet, including barbed/razor wire at the top, shall completely enclose the Communications Tower and anchor locations of guy wire (if used). This fencing shall be designed to be compatible with surrounding land uses.
7. The applicant shall submit a landscaping plan. Landscaping requirements shall be in accordance with the requirements of the Orwigsburg Borough Subdivision and Land Development Ordinance.
 - a. Landscaping, consisting of approved evergreen trees, shall be required at the perimeter of the security fencing. Layout and type of trees permitted shall be as set forth in the Orwigsburg Borough Subdivision and Land Development Ordinance.
 - b. The Borough may waive this requirement if there exists acceptable vegetation along the property lines.
8. A minimum of one (1) parking space shall be required. Spaces shall meet requirements of this Ordinance. Parking spaces may be surfaced with a durable and dustless gravel surface.
9. Access shall be provided to the Communications Tower and Communications Equipment Building by means of a public street or easement of twenty (20) feet in width and shall be improved to a width of at least twelve (12) feet.
10. Internal access to the Communications Tower shall be provided by a minimum twelve (12) foot width driveway with a durable and dustless surface, such as concrete or a bituminous surface, for a minimum of thirty-five (35) feet from the centerline of any public street. The length of the driveway beyond this thirty-five feet shall, at a minimum be surfaced with a durable and dustless gravel.
11. Communications Towers shall be fully automated and unattended on a daily basis. The site shall be visited only for periodic maintenance.
12. The Communications Equipment Building shall be identified as an accessory building, and the applicable regulations for the host zoning district shall apply.
13. Guy wires, if utilized, may not be anchored in any setback area of the host zoning district. Guy wires shall not cross or encroach any overhead telephone or electric power lines.
14. Tower height shall be measured from the top of the foundation to the top of the tower

15. A security gate shall be required to be installed a minimum of forty-five feet (45) from the centerline of the public or private roadway.
16. The applicant shall be required to have control over any land that is within a required setback area of this Ordinance. This control, submitted in writing, may be either in the form of ownership, lease, or recorded easement, as reviewed by the solicitor.
17. The applicant shall submit a copy of its current Federal Communications Commission license: the name, address and emergency telephone number for the operator of the Communications Tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the amount \$1,000,000 per occurrence covering the Communications Tower and Communications Antennas.
18. No Communications Tower shall be located closer than five hundred (500) feet from (1) any residential structure or (2) any existing structure, playground, ball field or other area used for active recreation within a municipal park or school.
19. No more than ten thousand (10,000) square feet of clear-cutting of wooded areas shall be allowed for the site area of the Communications Tower.
20. Setbacks shall be no less than fifty percent (50%) of the tower height from adjacent property lines and public road right-of-way lines. Such distance shall be in a straight line from the Communications Tower to the appropriate line. This set back shall be increased to one hundred fifty (150) feet if any Residential District abuts the property in which the Communications Tower is located.

C. General Requirements for Co-Location of Facilities

The applicant for the Co-Location of Facilities shall be required to submit a Zoning and/or Building Permit application for approval.

SECTION 10.31 - AMUSEMENT/VIDEO ARCADES / POOL/BILLIARD HALLS

Amusement/video arcades / pool/billiard halls are subject to the following criteria:

- A. All activities shall take place within a wholly enclosed building.
- B. The applicant must furnish evidence as to how the use will be controlled as to not constitute a nuisance due to noise or loitering outside the arcade.
- C. A minimum of one parking space for each eighty (80) square feet of gross leasable floor area shall be provided. In addition, any accessory uses (e.g. snack bar) shall

also require parking to be provided in accordance with the schedule listed in Section 10.07 H. of this Ordinance.

- D. A working plan for the cleanup of litter shall be furnished and implemented by the applicant.

SECTION 10.32 - MIXED USE. When two (2) or more principal uses occupy the same building on the same lot, all parking, lot area and building area requirements pertaining to each use shall be met in full.

SECTION 10.33 - DEMOLITION OF HISTORIC RESOURCES

- A. No historic resource as defined by this Ordinance shall be demolished or moved from its original foundations without review and approval as a Conditional Use by the Borough Council. As part of the review by Borough Council, the applicant must address each of the following specific criteria:
1. That is not feasible to continue the current use.
 2. That other uses permitted within the underlying zoning district, either as permitted uses, special exception uses, or conditional uses, have been denied or are not feasible due to constraints on the building or structure.
 3. That adaptive use opportunities do not exist due to constraints related to the building, structure or property.
 4. That the building, its permitted uses, and adaptive use potential does not provide a reasonable rate of return, based on a reasonable initial investment.
 5. That the applicant has not contributed to the existing conditions, either through neglect or prior renovation, conversion, alteration, or similar physical action.
 6. That the demolition will not adversely affect the character of the neighborhood or community.
 7. That any proposed new building(s), structures(s) or use of the property will not adversely affect the character of the neighborhood or community.
 8. That the building is structurally unsound.
- B. No permit for the demolition or moving of an historic feature from its original foundations shall be issued until the Borough Council has reviewed the request and approved the request as a Conditional Use.
- C. Any historic resource that has been approved for demolition shall be photo-documented to provide a permanent historical record of what existed on that property. Photos shall include all exterior elevations and architectural features as well as a sufficient number of interior photos to convey the interior layout of the

building. A photo key should also be provided. In addition, the applicant is encouraged to have the building dismantled and salvaged for reusable building materials and architectural features.

SECTION 10.34 - FORESTRY ACTIVITIES

In accordance with the requirements of Section 603 (f) of the MPC, as amended by Act 68 of 2000, forestry, including the harvesting of timber, is permitted as of right in all zoning districts within the Borough subject to the provisions generally applicable to all uses in the district in which such land is located. If in the future the General Assembly amends the MPC to repeal Section 603(f) or to remove the requirement that forestry be permitted in all zoning districts in every municipality, this Section will be of no further force or effect.

SECTION 10.35 - ANIMAL HOSPITALS

- A. A minimum lot size of at least twenty thousand (20,000) square feet shall be required for those animal hospitals treating small animals (such as cats, birds, exotic animals). A minimum lot size of at least forty thousand (40,000) square feet shall be required for those animal hospitals treating large animals (such as cattle, horses, etc.).
- B. All buildings in which animals are housed or provided care shall be located at least twenty (20) feet from all lot lines. Buildings should be adequately soundproofed so that sounds generated within the buildings cannot be perceived at the lot lines.
- C. Outdoor animal runs may be provided for small animals so long as a visual barrier at least four (4) feet in height is provided between the runs and a double evergreen screen at least six (6) feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 P.M. to 8:00 A.M.

SECTION 10.36 - KENNELS

- A. All kennels shall provide the minimum area for kennels required by State regulations. State laws regulating kennels are hereby referenced.
- B. All buildings in which animals are housed and all runs shall be located at least one hundred (100) feet from all lot lines.
- C. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot be heard at the lot lines
- D. Outdoor animal runs may be provided for small animals so long as a visual barrier at least four (4) feet in height is provided between the runs and a double evergreen screen at least six (6) feet in height is provided around the runs. No animal shall be permitted to use the outdoor runs from 8:00 P.M. to 8:00 A.M.

SECTION 10.37 - MINI WAREHOUSE / SELF STORAGE FACILITY

- A. Individual Storage Units. No individual storage unit shall be greater than three hundred (300) square feet. All such units shall be fireproof and waterproof. Each shall have separate ingress and egress secured by the user. (Amended October 9, 2013)
- B. Outdoor Storage. Outdoor storage is limited to RV's, campers, boats on trailers, automobiles and trucks (two (2) tons or less in capacity) and trailers (non-commercial only). Vehicles must be parked on paved areas. All such items must be licensed and inspected (if applicable), and in operable condition.
- C. Prohibitions. The following shall be prohibited:
1. No storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins.
 2. No storage in interior traffic aisles, off-street parking areas, loading areas, or driveway areas.
 3. No servicing or repairing of boats, vehicles, trailers, lawn mowers or similar equipment.
 4. No storage permitted other than dead storage.
- D. Inspection. All fire chiefs, fire marshals, police, building inspectors, and Department of Health Inspectors of the Borough of Orwigsburg and County of Schuylkill shall have the right to inspect each unit within the self-storage facility at such times as such inspections are determined necessary by the Borough manager and the above-mentioned officials for the protection of the health, safety and welfare of the Borough residents and the facility users. The persons in control of the facility shall have available, at all times, the means of obtaining ingress to each separate storage unit.
- E. Height. Maximum building height for new construction is fifteen (15) feet. (Amended October 9, 2013)
- F. Parking locations.
1. Non-tenant/non-employee parking spaces shall be adjacent to the entrance and to the manager's office for use by guests and business invitees.
 2. Parking lanes shall be ten (10) feet wide. Two-way travel lanes shall be twenty-six (26) feet wide. Non-vehicular travel lanes shall be twenty (20) feet wide.
- G. Security. Security shall be provided by one (1) of the following methods: (Amended October 9, 2013)

1. A seven (7) foot high chain link security fence or block wall of equivalent height shall be provided, or
 2. A continuous security guard shall be provided during hours of access. At all other times electronic security shall be provided; or
 3. Twenty-four (24) hour electronic security shall be provided.
- H. Lighting. Adequate lighting to illuminate the area but directed away from all residential areas or shielded to reflect light away shall be provided.
- I. Screen Planting. Screen planting is required where the facility abuts an existing residential district or residential use or an existing institutional use.
- J. Self-Storage Facilities in Converted Structures. All self-storage facilities in converted structures shall comply with the following additional requirements: (Amended October 9, 2013)
1. All storage shall be conducted only in non-residential buildings existing as of the effective date of this Ordinance.
 2. All storage facilities shall be fully enclosed structures.
- K. Mini-warehouse/self-storage facilities in the R-E Residential Estate District. All mini-warehouse/self-storage facilities in the R-E Residential Estate District shall comply with the following additional requirements: (Amended October 9, 2013)
1. The lot on which the use is proposed to be located shall front on and the proposed use shall access directly to a street that is designated as a Principal Arterial, Minor Arterial or Major Collector in the Orwigsburg Borough Comprehensive Plan; and
 2. The lot on which the use is proposed to be located shall (1) contain an existing nonresidential use; (2) be located adjacent to and on the same side of the street as a lot that contains an existing nonresidential use; or (3) be located adjacent to and on the same side of the street as a lot in a nonresidential zoning district.
 3. No outdoor storage shall be permitted.

SECTION 10.38 - GROUP FACILITIES

Group facilities include Community Rehabilitation Facility/Halfway Houses, Group Care Facilities, Shelters for Abused Persons, Emergency Shelters for Homeless, Temporary Shelters and Transitional Housing Facilities.

- A. The maximum number of residents shall be indicated at the time of application, and that number, not including employees, shall not exceed the minimum space requirements contained in the Pennsylvania Uniform Construction Codes, as amended, as adopted by the Borough.

B. The applicant shall provide letters from appropriate Borough officials, including, at a minimum, the Zoning/Code Enforcement Officer and the Fire Chief, that the structure has been inspected within the past two months and that it meets minimum code requirements for the intended use.

C. Additional Requirements for Community Rehabilitation Facility/Halfway Houses

1. The applicant shall indicate the nature of the clients to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents.
2. The applicant shall provide evidence that the facility is sponsored and operated by an agency licensed, registered or certified by an applicable county, state or federal program. The facility shall notify the Borough in writing within 14 days if there is a change in the type of clients, the sponsoring agency or maximum number of residents or if the license/registration/certification expires, is suspended or withdrawn.
3. The facility shall have twenty-four-hour on-site supervision by professionals trained to supervise the types of clients to be served by the facility.
4. If a facility will house persons presenting a potential physical threat to the safety of nonresidents, the facility operator shall provide evidence that sufficient staffing and other security measures will be provided.
5. The facility shall not be permitted to be located within five hundred (500) feet of any of the following:
 - a. Any building or other structure used for residential purposes.
 - b. The geographical boundary line of the I-1 - General Industrial District.
 - c. The geographical boundary line of the Borough.
6. The facility shall not be permitted to be located within one thousand (1,000) feet of any of the following:
 - a. Any other such facility.
 - b. Any public or private school, public park or playground, or any church or other house of worship.

D. Additional Requirements For Group Care Facilities

1. The applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided, including whether or not any counseling or other services will be provided for nonresidents.

2. The applicant shall provide evidence that the group care facility is sponsored and operated by an agency licensed, registered or certified by an applicable county, state or federal program. The group care facility shall notify the Borough in writing within 14 days if there is a change in the type of residents, the sponsoring agency or maximum number of residents or if the license/registration/certification expires, is suspended or withdrawn.

E. Additional Requirements For Shelter Facilities

1. The shelter shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.
2. Applicants for approval of a shelter for abused persons shall prove to the satisfaction of the Borough that there will be sufficient security measures to provide adequate protection to the residents.
3. A temporary shelter shall be approved for a maximum time period of two years and shall require another special exception approval every two years. Upon applying for renewal, the applicant shall provide evidence of need for the continuation of the use.

F. Additional Requirements For Transitional Housing Facilities

1. The facility shall be sponsored and supervised by a government agency or an officially recognized nonprofit organization.
2. The applicant shall indicate the nature of the residents to be served and the type of treatment/care to be provided.
3. The operators of the facility shall notify the Borough in writing within 14 days if there is a change in the type of residents, the sponsoring agency or maximum number of residents or if the license, registration or certification (if applicable) expires, is suspended or withdrawn.

SECTION 10.40 - SOLAR ENERGY SYSTEMS
(Amended May 23, 2023)

- A. It is the purpose of this regulation to promote the safe, effective, and efficient use of solar energy systems as a permitted accessory use while protecting the health, safety, and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. A solar energy system shall be a permitted use, conditional use, or use by special exception as specified under each zoning classification and be subject to the specific criteria as set forth below. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.

B. Accessory Solar Energy Systems (ASES)

1. ASES constructed prior to the effective date of this Section shall not be

required to meet the terms and conditions of this section. Any physical modifications to an existing ASES, whether or not existing prior to the effective date of this Section that materially alters the ASES, must meet the requirements of this Section.

2. The ASES layout, design and installation shall conform to applicable industry standards, such as those of the National Electric Code (NFPA 70), American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the Municipality's Building Code, and with all applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.

3. All on-site utility, transmission lines, and plumbing shall be placed underground to the greatest extent possible.

4. Ground mounted or free-standing ASES shall have a maximum power rating of not more than 10kW. Roof or wall mounted ASES on buildings on-site used primarily for on-site use shall have no limit as to power output. Ground mounted or free-standing ASES that have a power rating more than 10kW shall comply with the requirements of Principal Solar Energy Systems.

5. Signage shall comply with the prevailing sign regulations.

6. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.

7. All ASES shall be situated to eliminate concentrated glare onto nearby structures or roadways. The Applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.

8. Roof Mounted and Wall Mounted Accessory Solar Energy Systems:

- a. A roof mounted or wall mounted ASES may be located on a principal or accessory structure.
- b. The total height of a building with an ASES shall not exceed by more than two (2) feet the maximum building height specified for a principal structure if mounted to a principal structure or shall not exceed by more than two (2) feet the maximum building height specified for an accessory structure if mounted to an accessory structure within the applicable zoning district.
- c. Wall mounted ASES shall comply with the setbacks for principal structure if mounted to a principal structure or shall comply with the setbacks for accessory structures if mounted to an accessory structure

in the u zoning districts.

- d. Solar panels shall not extend beyond any portion of the roof edge.
- e. For roof and wall-mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Borough and that the roof or wall is capable of holding the load imposed on the structure.

9. Ground Mounted Accessory Solar Energy Systems:

a. Setbacks.

- (1) The minimum setbacks from side and rear property lines shall be equivalent to the accessory building setbacks in the applicable zoning district.
- (2) A ground mounted ASES shall be located to the rear of the front building line of the principal building.
- (3) The Borough may authorize the installation of a ground mounted ASES in front of the front building line, outside the required front yard setback, if the application demonstrates that, due to solar access limitations, no locations exists on the property other than the area described above where the solar panel can perform effectively. If authorized, a vegetative screen shall be provided.
- (4) Freestanding ground mounted ASES shall not exceed fifteen (15) feet in residential and village zones and twenty (20) feet in commercial and industrial zones in height above the ground elevation surrounding the systems.

b. Location.

- (1) Ground-Mounted ASES shall not be placed within any legal easement or right-of-way or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system, unless the Applicant can demonstrate, to the satisfaction of the municipality, that the ASES will not impede stormwater management, or in any manner alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.

c. Removal.

- (1) If a Ground-Mounted ASES is removed, any earth

disturbance as a result of the removal of the Ground-Mounted Solar Energy System shall be graded and re-seeded.

d. Coverage.

- (1) The area beneath the ground mounted ASES is considered pervious cover. However, use of impervious construction materials under the system could cause the area to be considered impervious and subject to the overall lot coverage requirement for the applicable zoning district.
- (2) The total surface area of the arrays of ground mounted ASES on the property shall be quantified and incorporated into the overall Maximum Impervious Coverage (%) calculation of the property in the applicable zoning district.

e. Screening.

- (1) Ground-mounted ASES installed as part of a commercial or industrial use shall be screened if the property is residentially zoned, abutting a residential zone, or abutting a lot used for residential purposes. The screen shall consist of plant materials which provide a visual screen. In lieu of a planting screen, a decorative fence meeting requirements of the Borough of Orwigsburg Zoning Ordinance may be installed.

f. Signage.

- (1) Appropriate safety/warning signage concerning voltage shall be placed at ground-mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.

10. If connecting to a public utility company, the owner of a ASES shall provide the Municipality written confirmation that the public utility company to which the ASES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. The owner shall provide a copy of the final inspection report or other final approval from the utility company to the Borough prior to the issuance of a certificate of use and occupancy for the ASES.
11. Upon completion of installation, the ASES shall be maintained in good working order in accordance with the standards of the Township codes under which the ASES was constructed. Failure of the property owner to maintain the ASES in good working order is grounds for appropriate enforcement actions by the Township in accordance with applicable

ordinances.

12. ASES installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
 - a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
 - b. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
 - c. For residential applications, a registered home improvement contractor with the Attorney General's Office.
13. The display of advertising is prohibited except for reasonable identification of the manufacturer of the system.
14. Permit Requirements.
 - a. Zoning/building permit applications shall document compliance with this Section and shall be accompanied by drawings showing the location of the system on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
 - b. The zoning/building permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
 - c. The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.
15. Solar Easements.
 - a. Where a subdivision or land development involves the use of solar energy systems, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
 - b. Any such easement shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions

stated in the instrument of conveyance. Instruments creating solar easement shall include, but not be limited to:

- (1) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
- (2) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
- (3) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
- (4) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

- c. If required, an ASES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).
- d. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

16. Decommissioning.

- a. Each ASES and all solar related equipment shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by system owner and/or operator, or upon termination of the useful life of same.
- b. The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
- c. The ASES owner shall, at the request of the Township, provide information concerning the amount of energy generated by the ASES in the last 12 months.

C. Principal Solar Energy Systems (PSES)

1. PSES constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Section. Any physical modification to any existing PSES, whether or not existing prior to the effective date of this Section that expands the PSES shall require approval under this Section. Routine maintenance or replacements do not require a permit.
2. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the National Electric Code (NFPA 70), American National Standards (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory(ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with Municipality's Building Code, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
3. All on-site utility transmission lines and plumbing shall be placed underground to the greatest extent feasible.
4. The owner of a PSES shall provide the Municipality written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection. The owner shall provide a copy of the final inspection report or other final approval from the utility company to the Borough prior to the issuance of a certificate of use and occupancy for the PSES.
5. If a PSES is being used as an accessory use for commercial/industrial activity on another property, then the Borough shall be informed of the intent of the PSES.
6. Signage shall comply with the prevailing sign regulations.
7. All PSES shall be situated to eliminate concentrated glare onto nearby structures or roadways. The Applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
8. All solar energy systems should be designed and located to ensure solar access without reliance on and/or interference from adjacent properties.
9. Ground Mounted Principal Solar Energy Systems:
 - a. Minimum Lot Size
 - (1) The PSES shall not be situated on a parcel smaller than one (1) acre.

b. Setbacks

- (1) PSES shall comply with the setbacks for principal structures of the underlying zoning district.

c. Height

- (1) Ground mounted PSES shall comply with the building height restrictions for principal structures of the underlying zoning district.

d. Impervious Coverage

- (1) The following components of a PSES shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:

- (i) The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the overall impervious coverage requirement for the applicable zoning district.

e. Stormwater

- (1) Stormwater runoff from an PSES shall be managed in accordance with the requirements of the Orwigsburg Borough Stormwater Management Ordinance.

- (2) Where Solar Panels are mounted above the ground surface allowing for vegetation below the panels, the horizontal area of the panel may be considered a Disconnected Impervious Area ("DIA") and therefore, will have no increase from the pre-development to post-development runoff coefficient. The horizontal area of the panel can only be considered a DIA if the following conditions apply:

- (i) Where natural vegetative cover is preserved and/or restored utilizing low impact construction techniques from the Pennsylvania Department of Environmental Protection Stormwater Best Management Practices Manual, including, but not limited to the following: minimizing the total disturbed area, minimizing soil compaction in disturbed areas, and re-vegetating and re-foresting disturbed areas using native species.

- (ii) Where the vegetative cover has a minimum uniform

70% perennial vegetative cover with a density capable of resisting accelerated erosion and sedimentation.

a. For panels located on slopes of 0 to 15% a minimum 4" height of vegetative cover shall be maintained.

b. Panels located on slopes greater than 15% cannot be considered DIA.

c. Vegetated areas shall not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover or to prevent invasive species and in accordance with an approved Erosion and Sediment Control Plan.

d. Agrivoltaics, the co-development of the same area of land for both solar photovoltaic power and conventional agriculture, may be used provided that:

i. Only shade tolerant crops may be used.

ii. Crops must not be tilled in.

iii. A written erosion and sediment control plan must be developed for agricultural plowing or tilling activities, or a portion of the overall farm conservation plan must identify BMPs used.

iv. Any cutting or mowing of the agricultural crop is limited to a height of no less than 4 inches.

v. Application of chemical fertilization or herbicides/ pesticides is limited to the agronomic needs to the crop(s).

(iii) Where the Solar Panels within a Solar Array are arranged in a fashion that:

a. Allows the passage of runoff between each Solar Panel, thereby minimizing the creation of concentrated runoff.

b. Allows for the growth of vegetation beneath the panel and between the Solar Arrays.

(3) The horizontal area of any Solar Panel or Solar Array that

cannot meet all the conditions to be considered DIA shall be treated as impervious area. These areas shall be included in the pre- development to post-development runoff analysis as impervious area to determine the need for Post Construction Stormwater Management ("PCSM") Best Management Practices.

(i) Use of gravel is permissible under a panel or in the receiving downhill flow path; however, the use of gravel would not allow the horizontal area of the Solar Panel or Solar Array to be considered as a DIA.

(ii) All impervious areas associated with the PSES such as roadways and support buildings cannot be considered a DIA and shall follow normal protocols when performing the PCSM stormwater analysis.

f. Screening

- (4) Vegetative buffering, to the extent practical, shall be installed around the entire perimeter of the PSES installation, except where the Borough determines that the retention of existing trees within the vegetative buffering area may constitute the required vegetative buffer or where the Borough determines that the solar panels cannot be viewed from a public roadway or residential building.
- (5) The vegetative buffering shall be installed along the exterior side of the fencing. All required vegetative buffering shall be located within fifty (50) feet of the required fencing.
- (6) Vegetative buffering should be designed to emulate the mix of native species and appearance of existing tree lines, hedge rows, and wooded areas already in existence within the landscape where the SEF is proposed. The applicant shall assess the species mix and characteristics found in existing tree lines, hedge rows, and wooded areas surrounding the SEF and document that the vegetative buffering is designed to emulate these characteristics. Arborvitae may be used as vegetative buffering.
- (7) No less than 20% of vegetative buffering plantings shall be pollinator friendly species.
- (8) Vegetative buffering shall be selected to provide year-round buffering and shall be of sufficient height, density, and maturity to screen the facility from visibility, as set forth herein within thirty- six months of the installation of

the PSES.

- (9) A combination of Natural topography and vegetation can serve as a buffer. provided that the PSES will not be visible from public roads, public parks, or existing residences on surrounding properties. Earthen berms may not be created to serve as a buffer.
 - (10) The buffering requirements of this section shall supersede the other sections of the Orwigsburg Borough Zoning Ordinance and Subdivision and Land Development Ordinance as they may pertain to PSESs.
- g. Ground-Mounted PSES shall not be placed within any legal easement or right-of-way or be placed within any stormwater conveyance system, or in any other manner that would alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system, unless the Applicant can demonstrate, to the satisfaction of the municipality, that the PSES will not impede stormwater management, or in any manner alter or impede stormwater runoff from collecting in a constructed stormwater conveyance system.
- h. Security.
- (1) All ground mounted PSES shall be completely enclosed by fencing that consists of a minimum six (6) foot high fence and a self- locking gate, or as designated and approved by the Borough.
 - (2) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence surrounding the PSES informing individuals of potential voltage hazards.
- i. Access.
- (1) At a minimum, a 14' wide stabilized access road must be provided from a State, County, or Township roadway into the site that is maintained in a dust free condition. The PSES Developer shall obtain a permit from the appropriate jurisdiction from the construction of the access road.
 - (2) Adequate space shall be provided between the solar arrays to allow access for maintenance vehicles and emergency management vehicles including fire apparatus and emergency vehicles as determined and approved by the Borough.
 - (3) Access to the PSES shall comply with the municipal access requirements in the Subdivision and Land Development Ordinance (SALDO).

- j. The ground mounted PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
 - k. If a ground mounted PSES is removed, any earth disturbance resulting from the removal must be graded and reseeded.
- 10. Roof Mounted Principal Solar Energy Systems:
 - a. For roof and wall-mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.
 - b. PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.
- 11. Wall Mounted Principal Solar Energy Systems should not be incorporated into a PSES.
- 12. PSES installers must certify they are listed as a certified installer on the PA Department of Environmental Protection's (DEP) approved solar installer list or that they meet the criteria to be a DEP approved installer by meeting or exceeding one of the following requirements:
 - a. Is certified by the North American Board of Certified Energy Practitioners (NABCEP).
 - b. Has completed an Interstate Renewable Energy Council (IREC) Institute for Sustainable Power Quality (ISPQ) accredited PV training program or a PV manufacturer's training program and successfully installed a minimum of three PV systems.
- 13. No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.
- 14. Permit Requirements.
 - a. PSES shall comply with the Borough's Subdivision and Land Development Ordinance requirements through submission of a land development plan. The installation of PSES shall be in compliance with all applicable permit requirements, codes, and regulations including highway occupancy, driveway permits, and road bonding requirements.
 - b. The PSES owner and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in

a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.

15. Solar Easements.

- a. Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing and shall be subject to the same conveyance and instrument recording requirements as other easements.
- b. Any such easement shall be appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include, but not be limited to:
 - (1) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
 - (2) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
 - (3) Enumerate terms and conditions, if any, under which the easement may be revised or terminated;
 - (4) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.
- c. If required, a PSES owner and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).
- d. Prior to the issuance of a zoning permit, applicants must acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

16. Decommissioning.

- a. The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is

generated by such system for a period of twelve (12) continuous months.

- b. The PSES owner shall then have eighteen (18) months in which to dismantle and remove the PSES including all solar-related equipment or appurtenances related thereto, including, but not limited to, buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the owner fails to dismantle and/or remove the PSES within the established timeframes, the municipality may complete the decommissioning at the owner's expense.
- c. To the extent possible the materials shall be re-sold or salvaged. Materials that cannot be re-sold or salvaged shall be disposed of at a facility authorized to dispose of such materials by federal or state law.
- d. Any soil exposed during the removal shall be stabilized in accordance with applicable erosion and sediment control standards.
- e. Any access drive paved aprons from public roads shall remain for future use unless directed otherwise by the land owner.
- f. The PSES site area shall be restored to its pre-existing condition, suitable for its prior use, except the landowner may authorize, in writing, any buffer landscaping or access roads installed to accommodate the PSES to remain.
- g. Any necessary permits, such as Erosion and Sedimentation and NDPS permits, shall be obtained prior to decommissioning activities.
- h. At the time of issuance of SALDO approval for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to the Borough and in favor of the Borough, to secure its obligations under this Section.

(1) The PSES Developer shall, at the time of the SALDO application, provide the Borough with an estimate of the cost of performing the decommissioning activities required herein. The Solar Project Owner shall provide financial security of 110% of the estimated cost of decommissioning. The estimate may include an estimated salvage and resale value, discounted by a factor of 10%. The decommissioning cost estimate formula shall be: Gross Cost of Decommissioning Activities minus 90% credit of Salvage and resale value equals the decommissioning cost estimate.

(2) On every 5th anniversary of the date of providing the decommissioning financial security the PSES Owner shall provide an updated decommission cost estimate, utilized the formula set forth above with adjustments for inflation and cost and value changes. If the decommissioning security amount

increases, the SEF Owner shall remit the increased financial security to the Borough within 30 days of the approval of the updated decommissioning security estimate by the County. If the decommissioning security amount decreases by greater than 10%, the Borough Owner shall release from security any amounts held in excess of 110% of the updated decommission cost estimate.

- (3) Decommissioning security estimates shall be subject to review and approval by the Borough and the PSES Developer/Owner shall be responsible for administrative, legal, and engineering costs incurred by the Borough for such review.
- (4) The decommissioning security may be in the form of cash deposit, surety bond, irrevocable letter of credit, cashier's check, or escrow account from a federal or Commonwealth chartered lending institutions in the amount of 110% of the total proposed decommission cost estimate and in a form satisfactory to the Borough Solicitor.
- (5) Prior to final approval of any SALDO plans for a PSES, the PSES Developer shall enter into a Decommissioning Agreement with the Borough outlining the responsibility of the parties under this Agreement as to the Decommissioning of the PSES.
- i. Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself: (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.

D. Administration and Enforcement

1. Applications

- a. Permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the solar energy system on the building or property, including property lines. Permits must be kept on the premises where the solar energy system is located.
- b. The permit shall be revoked if the solar energy system, whether new or pre-existing is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the solar energy system not to be in conformity with this Ordinance.

- c. The solar energy system must be properly maintained and be kept free from all hazards including, but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare.
- d. An approved land development plan shall accompany all permit applications excluding those for ASES which are accessory to a single-family residential use.

2 Fees and Costs

- a. The Applicant shall pay all permit application fees and inspection fees when seeking approval of a solar energy system under this Ordinance, which fees shall be set by resolution.
- b. The Applicant shall pay the following fees when seeking approval of a solar energy system:
 - (1) Zoning Permit. In accordance with Zoning Fee Schedule.
 - (2) UCC Permit Application Fee: In accordance with UCC Permit Schedule.
 - (3) Inspection Fee: In accordance with UCC Permit Schedule.
 - (4) Subdivision and Land Development Fees. In accordance with current fee schedule.

3 Modifications

- a. The Municipality may grant modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the property in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
- b. All requests for a modification shall be in writing and shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.

ARTICLE XI

OPEN SPACE DEVELOPMENTS

SECTION 11.01 - PURPOSE

It is the intent of this Article to implement the Orwigsburg Borough Comprehensive Plan and promote desirable community development by:

- A. Maintaining a healthy residential environment with adequate open space and recreational amenities;
- B. Integrating open space within future development and in areas that are of strategic importance to potential greenway corridors throughout the Borough;
- C. Encouraging land use and development patterns which complement and accentuate the distinctive features of the Borough's landscapes and natural environment including prime agricultural soils, woodlands, wetlands, stream corridors, steep slopes, and scenic views;
- D. Directing growth to areas of the Borough that are the most appropriate for development;
- E. Reducing infrastructure costs by minimizing the amount of infrastructure required for future growth;
- F. Providing an opportunity for flexibility in lot designs and building arrangement not afforded by conventional lot-by-lot development;
- G. Providing for a more varied, innovative, and efficient development pattern; and
- H. Promoting new development that is compatible with existing uses, architecture, landscapes and community character.

SECTION 11.02 - ELIGIBILITY

A. Areas Permitted

Open space development shall be permitted by right in the R-S and R-1 zoning districts, where the applicant, to the satisfaction of the Borough Council, can demonstrate compliance with all design standards and criteria of this Article, as well as all other applicable provisions of the Zoning Ordinance.

B. Minimum Tract Area Required

A tract may be eligible for approval for an open space development if it includes a minimum of ten (10) contiguous acres.

1. For the purposes of this Article, the term "Total Area of the Tract" shall mean the total lot area, not including areas within the existing and future rights of way of existing streets shown on previously filed plans for the tract.
2. The Total Area of the Tract may include:
 - a. The right of way of any new future streets proposed within the tract as part of the Open Space Development Plan submittal and,
 - b. Any proposed public and/or private open space.

C. Consistency with Municipal Planning Program

The proposed development shall be consistent with the goals and strategies of the Orwigsburg Borough Comprehensive Plan.

D. Plan Processing

The tract of land to be developed shall be in single ownership or, if in multiple ownership, shall be developed according to a single plan with common authority and responsibility. The applicant is strongly encouraged to submit a sketch plan to the Orwigsburg Borough Planning and Zoning Commission and to discuss community development and open space resource conservation objectives with the Planning and Zoning Commission prior to the preparation of a preliminary plan.

SECTION 11.03 - GENERAL REGULATIONS

A. Permitted Uses

The following uses are permitted within an open space development:

1. Within the R-1 Zoning District:
 - a. Single-family detached dwellings.
 - b. Open space uses as set forth in Section 11.06.
2. Within the R-S Zoning District:
 - a. Single family detached dwellings.
 - b. Single-family semi-detached dwellings.

- c. Two-family detached dwellings.
- d. Two-family semi-detached dwellings.
- e. Town houses.
- f. Open space uses as set forth in Section 11.06.

B. Mix of Residential Dwelling Types in the R-S District

The following general standards shall govern the mix of dwelling unit types within an open space development in the R-S District:

- | | | |
|----|--------------------------------|--|
| 1. | Single Family Detached | A minimum of forty percent (40%) and maximum of one hundred percent (100%) of all proposed dwelling units. |
| 2. | Single Family
Semi-Detached | A maximum of forty percent (40%) of all proposed dwelling units. |
| 3. | Townhouses | A maximum of forty percent (40%) of all proposed dwelling units. |

The remainder of the housing stock shall be left to the discretion of the applicant. The requirements of this section may be modified (pursuant to Section 11.07) by the Borough Council upon the applicant successfully demonstrating that the required housing type(s) are not presently marketable.

SECTION 11.04 - AREA AND BULK REGULATIONS

A. Minimum Restricted Open Space

The minimum restricted open space shall not be less than the following percentage of the Total Area of the Tract, as stipulated for the appropriate zoning district. Designated restricted open space shall comply with all standards and criteria for restricted open space established in this Section.

<u>Zoning District</u>	<u>Minimum Restricted Open Space</u>
R-S District	50 %
R-1 District	40 %

B. Permitted Density Calculation

The potential number of dwelling units permitted for open space developments shall be calculated by multiplying the Total Tract Area (as defined in Section 11.02 B.) by the allowable Gross Density in the applicable zoning district. The allowable Gross Density is as follows:

<u>Zoning District</u>	<u>Allowable Gross Density</u>
R-S District	1.00 Dwelling Unit Per Acre
R-1 District	2.178 Dwelling Units Per Acre

C. Residential Area and Bulk Regulations. The following lot and yard area regulations shall apply to any principal residential structure or any other building.

1. Proposed lots are not subject to a minimum lot area. The applicant shall indicate for each permitted use, including potential accessory uses, the limits of the building envelope within which compliance with these provisions is feasible:
2. The minimum separation between principal structures at any point shall be 20 feet, except that the minimum separation measured perpendicularly from the rear wall of any dwelling to any point on any other building not accessory to such residential structure shall be 50 feet.
3. Accessory structures shall be setback at least five feet from any property line and shall be permitted only in rear yards.
4. No exterior windows, doors, or other openings shall be permitted in any portion of any principal or accessory structure located less than five feet from any lot line.
5. Where any portion of any principal or accessory structure is located less than five feet from any lot line, a perpetual easement providing for maintenance of such structure, and measuring no less than five feet in width from the affected walls, shall be provided on the adjacent lot(s). This provision shall not apply to lot lines that separate two-family or multi-family dwelling units on the interior of the same principal structure.
6. The minimum setback of principal buildings from the right-of-way shall not be less than 10 feet except as provided under Section 11.06 below.
7. All proposed dwelling units in an open space development shall be situated so that they are set back a minimum distance from the pre-development perimeter boundary of the tract equal to the applicable minimum yard dimension under the base zoning district provisions. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from this requirement except that additions to such existing structures shall not further reduce required setbacks.
8. The maximum length of any residential building, including rows of single-family attached dwellings or buildings containing multiple family dwellings, shall not exceed 160 feet.
9. The maximum building heights for principal and accessory structures shall be the same as stated in the base zoning district.

10. The maximum lot coverage (including all impervious surfaces) for all building lots shall be 20% greater than the base zoning district according to the dwelling type. The maximum lot coverage for all restricted open space parcels shall be 30%.
11. No dwelling units within the open space development shall have direct driveway access to surrounding existing Borough or State roads. All driveways shall access internal street systems as designed for the project.
12. All open space developments with single-family attached dwellings (townhouses) shall include off-street common parking areas.
13. Where adjacent curb cuts accessing separate residential properties are separated by less than 25 feet, one additional off-street parking space shall be provided on each property that abuts the curb cut or in an off-street common parking area.

SECTION 11.05 - CONSERVATION AND DEVELOPMENT DESIGN STANDARDS

A. General Development Standards

1. Except where this Section specifies otherwise, all design and performance standards and other regulations applicable in the base zoning district shall apply to any open space development.
2. The placement of buildings and design of internal circulation systems shall minimize the number of intersections and traffic on Borough and State roads.
3. The applicant shall demonstrate compliance with applicable state and/or federal regulation of streams and wetlands. For any proposed activity requiring the submission of a wetland delineation report, stream or wetland encroachment permit or mitigation plan to DEP and/or US Army Corps of Engineers or successive agencies, a copy of all such documentation shall be submitted to Orwigsburg Borough by the applicant.

B. Architectural Design

It is not the intention of the Borough to govern specific architectural design or to link approval to any specific architectural design criteria. Open space developments proposing residential buildings other than single-family detached and two-family dwellings shall comply with the following:

1. The applicant shall provide drawings illustrating the general character of the intended exterior design of all principal structures.
2. Where the Board determines that the architectural design as presented by the applicant is an essential means by which the proposed development complies with the objectives of this Article, the Board may require, as a

condition of approval, the establishment of appropriate means to guarantee general adherence to the intended architectural character.

C. Special Provisions for Conservation of Historic Resources

Historic resources shall be preserved to the greatest degree practicable, through incorporation into development plans and design, including historic structures, ruins or sites, historic road or other transport traces, paths and trails, and any other historic landscape features. Applicants are encouraged to contact local and state historic agencies for information regarding historic resources.

SECTION 11.06 - OPEN SPACE DESIGNATION AND MANAGEMENT STANDARDS

A. General Standards for Open Space Designation

1. Areas designated as restricted open space shall be consistent with the goals and strategies of the Orwigsburg Borough Comprehensive Plan. The location and layout of restricted open space shall be configured so as to serve residents adequately and conveniently and to promote the conservation of the following resources to the greatest extent practicable.
 - a. Any area designated for "Conservation/Open Space" on the Future Land Use Map in the Orwigsburg Borough Comprehensive Plan;
 - b. Prime agricultural soils;
 - c. Scenic views from public roads and neighboring residential properties;
 - d. Mature trees and woodland tree masses, hedgerows, native flowering trees and shrubs, fence rows, rock outcroppings, steep slopes (in excess of 25%) and other noted landscape features;
 - e. Lands adjoining and within 150 feet of any historic structure listed on the National Registration of Historic Places.
2. No more than twenty-five (25) percent of the required restricted open space shall be comprised of a Flood Plain district, wetlands, and slopes in excess of 25%.
3. The calculation of the minimum required restricted open space area shall not include the following areas:
 - a. Areas within 25 feet of any structure except structures devoted to permitted open space uses;
 - b. Areas extending less than 100 feet in the narrowest dimension at any point;

- c. Areas comprising stormwater management facilities. At the discretion of the Borough Council, areas devoted to stormwater management facilities may be included within the minimum required restricted open space area where the applicant can demonstrate to the satisfaction of the Board that such facilities are designed to:

- (1) Promote recharge of the groundwater system;
- (2) Be available and appropriate for active or passive recreational use or scenic enjoyment; and
- (3) Otherwise conform to the purposes, standards, and criteria for open space set forth in this Section.

For example, a long low berm graded to reflect natural contour could be designed to: (1) blend into the scenic landscape; (2) permit passive recreational use over the top of it; while (3) providing a relatively large linear area for seepage of stormwater into the groundwater system.

4. Subject to the provisions of the measurement of the minimum required open space stipulated herein, sewage service, stormwater management, and/or water supply facilities may be located entirely or partially within restricted open space areas. Where such facilities are so located, maintenance agreements and easements satisfactory to the Borough Council shall be established to require and enable maintenance of such facilities by the appropriate parties.
5. Areas designated for open space purposes may be used for any of the following:
 - a. Woodland, meadow, wetland, wildlife habitat, game preserve, or similar conservation-oriented area;
 - b. Crop or pasture land, subject to submission of conversation plan approved by the Schuylkill County Conservation District;
 - c. Pubic, common, or private park or outdoor recreation area;
 - d. Parking for the exclusive use of individuals using recreational areas within the required open space where deemed appropriate by the Borough Council.
6. Open space shall be interconnected with open space areas on abutting parcels wherever possible including, where appropriate, provisions for pedestrian pathways for general public use to create linked systems within the Borough.
7. Where deemed appropriate by the Borough Council, open space areas shall be provided with sufficient perimeter parking, and with safe and

convenient access by adjoining street frontage or other right-of-way or easement capable of accommodating pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements.

8. Where open space development is planned to occur in two or more development phases, a proportionate amount of designated restricted open space and required parking shall be permanently recorded with each phase.

B. Standards for Ownership of Restricted Open Space

Except to provide for permitted open space uses, designated open space shall be restricted from further subdivision and land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Borough and duly recorded in the office of the Recorder of Deeds of Schuylkill County. Subject to such permanent restrictions, restricted open space land in any open space development may be owned by a homeowners' association, the Borough, a land trust or other conservation organization recognized by the Borough.

1. Offer of Dedication

The Borough may, but shall not be required, to accept dedication in the form of fee simple ownership of restricted open space land provided:

- a. Such land is accessible to the residents of the Borough;
- b. There is no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance and recording fees; and
- c. The Borough agrees to and has access to maintain such lands.

Where the Borough accepts dedication of restricted open space land that contains improvements, the Borough Council may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.

2. Homeowners' Association

The restricted open space land and associated facilities may be held in common ownership by a Homeowners' Association. The Association shall be formed and operated under the following provisions.

- a. The developer shall provide a description of the Association including its bylaws and methods for maintaining the open space.

- b. The Association shall be organized by the developer and operating with financial subsidization by the developer, before the sale of any lots within the development.
- c. Membership in the Association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the Association from the developer to the homeowners shall be identified.
- d. The Association shall be responsible for maintenance and insurance on common open space land, enforceable by liens placed by the Homeowners Association. Maintenance obligations also may be enforced by the Borough, which may place liens to recover its costs. Any governmental body with jurisdiction in the area where the development is located may place liens on the owners of the open space to collect unpaid taxes.
- e. The members of the Association shall share equitably the costs of maintaining and developing such common land. Shares shall be defined within the Association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair of any capital facilities (which shall be deposited in a sinking fund reserved for just such purposes).
- f. In the event of a proposed transfer, within the methods here permitted, of common open space land by the Homeowners' Association, or of the assumption of maintenance of such land by the Borough, notice of such action shall be given to all property owners within the development.
- g. The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the common open space land.
- h. The Homeowners' Association may lease open space lands to any other qualified person, or corporation, for operation and maintenance of such lands, but such a lease agreement shall provide:
 - (1) That the residents of the development shall at all times have access to the open space lands contained therein;
 - (2) That the common open space land to be leased shall be maintained for the purposes set forth in this Ordinance; and
 - (3) That the operation of open space facilities may be for the benefit of the residents only, or may be open to the residents of the Borough, at the election of the developer and/or Homeowners' Association, as the case may be.

- i. The lease shall be subject to the approval of the Board and any transfer or assignment of the lease shall be further subject to the approval of the Board. Lease agreements so entered upon shall be recorded with the Recorder of Deeds of Schuylkill County within 30 days of their execution and a copy of the recorded lease shall be filed with the Borough Zoning/Code Enforcement Officer.
- j. Homeowners' Association documentation demonstrating compliance with the provisions herein shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft Homeowners' Association documentation with sufficient detail to demonstrate feasible compliance with this Section.

3. Condominiums

The restricted open space land and associated facilities may be held in common through the use of condominium agreement(s), approved by the Borough Council. Such agreement shall be in conformance with the Uniform Condominium Act of 1980. All common open space land shall be held as "common elements" or "limited common elements". To the degree applicable, condominium agreement(s) shall comply with the provisions of Section 11.06 B.2. above, set forth for Homeowners' Associations. Condominium agreement(s) shall be filed with the Final Subdivision and Land Development Plans. At the time of Preliminary Plan submission, the applicant shall provide draft condominium agreement(s) with sufficient detail to demonstrate feasible compliance with this Section.

4. Dedication of Easements

The Borough may, but shall not be required to, accept easements for public use of any portion or portions of restricted open space land. The title of such land shall remain in common ownership by a condominium or homeowners' association, provided:

- a. Such land is accessible to Borough residents;
- b. There is no cost of acquisition other than any costs incidental to the transfer of ownership, such as title insurance; and
- c. A satisfactory maintenance agreement is reached between the developer, condominium or homeowners' association and the Borough.

5. Transfer of Easements to a Private Conservation Organization

With the permission of the Borough, an owner may transfer easements to a private, nonprofit, organization recognized by the Borough, among

whose purpose it is to conserve open space and/or natural resources, provided that:

- a. The organization is acceptable to the Borough Council, and is a bona fide conservation organization with perpetual existence;
- b. The conveyance contains appropriate provision for proper reverter or transfer in the event that organization becomes unwilling or unable to continue carrying out its functions; and
- c. A maintenance agreement acceptable to the Borough Council is entered into by the developer and the organization.

6. Private Ownership of Restricted Open Space

- a. Restricted open space may be retained in ownership by the Applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.
- b. All or portions of the designated restricted open space, where permitted by the Borough Council, may be included within or divided among one or more of the individual lots. Where deemed appropriate, the Borough Council may require that responsibility for maintenance of restricted open space be conferred upon and/or divided among the owners of one or more individual lots.

C. Required Open Space Management Plan

1. All open space development plans shall be accompanied by a conceptual plan for the long-term management of the restricted open space that is to be created as part of the development. Such plan shall include a discussion of (1) the manner in which the restricted open space will be owned and by whom it will be managed and maintained; (2) the conservation, land management and agricultural techniques and practices which will be used to maintain and manage the open space in accordance with conservation plan(s) approved by the Schuylkill County Conservation District, where applicable; (3) the professional and personnel resources that will be necessary in order to maintain and manage the property; (4) the nature of public or private access that is planned for the restricted open space; and (5) the source of money that will be available for such management, preservation and maintenance on a perpetual basis. The adequacy and feasibility of this conceptual management plan as well as its compatibility with the open space resource protection objectives stated in this Section shall be factors in the approval or denial of the open space development plan by the Borough Council.
2. The conceptual management plan shall be transformed into a more detailed open space management plan and presented to the Borough for review and approval with the Preliminary Subdivision and Land Development Plan. The Borough Council may require that the

management plan be recorded, with the Final Subdivision and Land Development Plans, in the Office of the Recorder of Deeds of Schuylkill County. In order to allow for the changing needs inherent in the perpetual management of land, the management plan shall contain a provision to the effect that it may be changed by written application to the Borough Council, so long as the proposed change is feasible and consistent with the purposes of preservation of open space set forth in this Section and so long as the plan for such change avoids a likelihood of the obligation of management and maintenance of the land falling upon the Borough without the consent of the Borough Council. The Board's approval of such application shall not be unreasonably withheld or delayed.

D. Open Space Performance Bond

1. All landscape improvements, plantings, access points, and recreational facilities within designated open space areas shall be provided by the developer as applicable. A performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements under the applicable Subdivision and Land Development Ordinance.
2. An appropriate portion of the performance bond or other security will be applied by the Borough should the developer fail to install the planting or recreational facilities.

SECTION 11.07 - MODIFICATION OF STANDARDS

By Conditional Use, the Borough Council may permit the modification of the design standards in order to encourage the use of innovative design. Any modification of the design standards shall be subject to the following standards:

- A. Such modifications of design standards better serve the intended purposes and goals of the open space design option as expressed in Section 11.01.
- B. Such modifications of the design standards would not result in adverse impact to adjoining properties, or future inhabitants within the open space development.
- C. Such modifications will not result in an increase in residential densities permitted for the open space development.
- D. Such modifications will not result in a decrease in open space below that required in Section 11.04 for the open space development.
- E. The extent of the modification provides the minimum amount of relief necessary to ensure compliance with the preceding criteria in this Article.

ARTICLE XII

NON-CONFORMING USES, NON-COMPLYING BUILDINGS AND NON-CONFORMING LOTS

SECTION 12.01 - NON-CONFORMING USES

- A. A non-conforming use is any use, whether of a building or lot or both, existing on the effective date of this Ordinance which does not conform to the use regulations of the District in which it is located.
- B. The following provisions shall apply to all buildings and uses existing on the effective date of this Ordinance which do not conform to the requirements set forth in this Ordinance and to all buildings and uses that become non-conforming by reason of any subsequent amendment to this Ordinance.
- C. Any non-conforming use of buildings or open land may be continued indefinitely, provided that any such use:
 - 1. Shall not be enlarged, altered, extended, reconstructed, restored, or placed on a different portion of the lot or parcel of land occupied by such uses on the effective date of this Ordinance, without a Special Exception from the Zoning Hearing Board.
 - a. Any modification shall take place only on the lot or contiguous lots held in the same ownership as that existing at the time the uses became non-conforming.
 - b. Any modification shall conform with the area, building height, parking, sign and other requirements of the district in which said modification is located.
 - c. The proposed alteration shall not exceed 50 percent of the gross floor area occupied by the nonconforming use at the time of the enactment of this Ordinance.
 - d. The proposed alteration will not cause an increased detrimental effect on the surrounding neighborhood.
 - 2. Shall not be moved to another location where such use would be non-conforming.
 - 3. Shall not be changed to another non-conforming use without approval by the Zoning Hearing Board and then only to a use which, in the opinion of the Zoning Hearing Board is of the same or of a more restricted nature.
 - 4. Shall not be re-established if such use has been abandoned for any reason. A non-conforming use shall be adjudged as abandoned when there occurs a cessation of any such use or activity by an apparent act or failure to act on

the part of the tenant or owner to reinstate such use within a period of one (1) year from the date of cessation or discontinuance. Vacation of land or structures or the nonoperative status of the use normally carried on shall be evidence of discontinuance. No abandoned use or structure may be re-established, repaired, or reoccupied. Borough Council may require the removal of any abandoned nonconforming use or structure upon proper notice to the owner of the property on which an abandoned nonconforming use or structure exists. If the owner has not completely removed the abandoned use or structure within a reasonable amount of time, not to exceed nine (9) months, Borough Council shall have the authority to itself cause the removal to be accomplished, the costs of such removal to be paid by the property owner.

5. Shall not be restored for other than a conforming use after damage from any cause, unless the non-conforming use is reinstated within one year of such damage; if the restoration of such building is not completed within the said one year period, the non-conforming use of such building shall be deemed to have been discontinued, unless such non-conforming use is carried on without interruption in the undamaged portion of such building.
6. No non-conforming use shall, if once changed into a conforming use, be changed back again into a non-conforming use.

SECTION 12.02 - CONSTRUCTION APPROVED PRIOR TO ORDINANCE. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has heretofore been issued and the construction of which shall have been diligently prosecuted within three (3) months of the date of issue of said permit and ground story framework of which, including the second tier of beams, shall have been completed within six (6) months of the date of the permit and which entire building shall be completed according to such plans as filed within one (1) year from the date of this Ordinance.

SECTION 12.03 - NON-COMPLYING BUILDINGS.

- A. A non-complying building is any building which does not conform to the District regulations for: lot area, width or depth; front, side or rear yards; maximum height; lot coverage; or minimum livable floor area per dwelling unit.
- B. Nothing in this Article shall be deemed to prevent normal maintenance and repair, structural alteration in, moving, reconstruction, or enlargement of a non-complying building provided that such action does not increase the degree of or create any new non-conformity with regards to the regulations pertaining to such buildings.
- C. A non-complying building or structure that has been destroyed by reason of fire, explosion, windstorm, or other active causes deemed to be no fault of the owner may be reconstructed provided that the reconstructed structure does not exceed the height, area or volume of the destroyed structure. An application for building permit must be submitted within one (1) year from the date of destruction or the

non-complying structure shall not be restored except in conformity with this Ordinance.

SECTION 12.04 - EXPANSION OF NONCONFORMING SINGLE-FAMILY DETACHED DWELLINGS. Any single-family detached dwelling that was legally in existence as of the effective date of this Ordinance may be expanded without obtaining a special exception or variance, provided that such expansion does not result in a further encroachment into the yard setback requirements or exceed the lot coverage requirement within the zoning district in which it is located.

SECTION 12.05 - NON-CONFORMING LOTS OF RECORD

- A. In any district where dwellings are permitted, a single-family dwelling may be located on any lot or plot of official record as of the effective date of this Ordinance irrespective of its area or width or depth, provided that the necessary approvals have been obtained for water supply, sewage disposal and driveway connection to a public road. When the lot does not meet the minimum lot area, depth or width for the district in which it is located, the following modifications may be applied:
1. The sum of the side yard widths of any such lot or plot need not exceed thirty percent of the width of the lot, but in no case shall any one side yard be less than ten percent of the width of the lot.
 2. The depth of the rear yard of any such lot need not exceed twenty percent of the depth of the lot, but in no case shall it be less than ten feet.

ARTICLE XIII

ENFORCEMENT AND ADMINISTRATION

SECTION 13.01 - ENFORCEMENT. For the administration of this Ordinance, a Zoning/Code Enforcement Officer, who shall not hold any elective office in the Borough, shall be appointed by Borough Council. The Zoning/Code Enforcement Officer shall meet qualifications established by Borough Council and shall be able to demonstrate to the satisfaction of Borough Council a working knowledge of municipal zoning. The Zoning/Code Enforcement Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance and other applicable Borough codes and ordinances. The Zoning/Code Enforcement Officer shall issue all permits required by this Ordinance. The Zoning/Code Enforcement Officer may be authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment by the Borough.

SECTION 13.02 - RIGHT OF ENTRY. The Zoning/Code Enforcement Officer and/or Borough Manager are authorized to enter any structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the aforementioned officials are authorized to pursue recourse as provided by law.

SECTION 13.03 - CERTIFICATES AND PERMITS.

A. ZONING PERMITS REQUIRED.

A landowner, tenant and/or contractor shall obtain a zoning permit from the Zoning/Code Enforcement Officer for activities falling within any of the following categories:

1. The erection, construction, demolition, alteration, extension, replacement, relocation, or conversion of any building or structure or any activity to prepare the site for the erection, construction, demolition, alteration, extension, replacement, relocation or conversion of any building or structure.
2. The change in the use of a building, structure, sign and/or land, including activities to prepare the site for a change in use.

No zoning permit shall be required for repairs to or maintenance of any building, structure or land, provided such repairs do not change the use, alter the exterior dimensions of the building or structure, or otherwise violate the provisions of this Ordinance or any other applicable Borough or County ordinance or applicable statute or regulation. This provision shall not alter the requirement for zoning permits in the Floodplain District.

The regulations of the Pennsylvania Uniform Construction Code shall govern the requirements for and processing of building permits in the Borough where applicable.

B. APPLICATION FOR A ZONING PERMIT.

1. The applicant for a zoning permit shall submit an application on forms provided by the Borough. The application may be made by the owner or lessee of the property or the agent of either, provided, however, that if the application is made by a person other than the owner or lessee, the application shall be accompanied by a written authorization from the owner or lessee designating the agent and authorizing the work.
2. The application for a zoning permit shall include (a) a description of the proposed work and/or use and occupancy of the building, structure and/or land as well as any other information required by the application form or the Zoning/Code Enforcement to determine compliance with this Ordinance and other applicable Borough, County, state and federal ordinances, statutes and regulations; (b) plans, in duplicate, drawn to scale, showing the actual dimensions and shape of the lot, the size and location and dimensions of the proposed use, building or alteration, and other pertinent information; and (c) the application fee. The application shall not be considered complete without the fee established by the Borough Council by ordinance or resolution. The applicant shall also submit all necessary information to demonstrate:
 - a. Approval and recording of any necessary subdivision and/or land development plan, if applicable.
 - b. Submission to and approval by the Schuylkill County Conservation District of a sedimentation and erosion control plan where earth disturbance activities are proposed.
 - c. Issuance of a permit to install or modify an on-lot sewage disposal system or issuance of a permit by the provider of public sewer service, as applicable.
 - d. Issuance of a permit to connect to public water supply, if applicable.
 - e. Issuance of any permits required for the relocation or alteration of any existing public utility line or other facility.
3. Approval or Disapproval of Application. Upon receipt of the application, the Zoning/Code Enforcement shall examine the application and supporting information to determine compliance with this Ordinance and other applicable Borough and County ordinances, statutes and regulations. The Zoning/Code Enforcement shall determine if subdivision and/or land development approval has been obtained, if state sanitation inspection requirements have been met, and, in the case of public buildings, the required permits have been issued by the Department of

Labor and Industry. If the application is approved, the Zoning/Code Enforcement shall forward the approved application to the Borough Code Official. The Zoning/Code Enforcement shall disapprove a permit application which does not comply with all applicable statutes, regulations, and County and Borough ordinances. If disapproved, the Zoning/Code Enforcement shall attach a statement to the application explaining the reason for such disapproval and informing the applicant of his right to appeal to the Zoning Hearing Board, and return it to the applicant.

4. Issuance and Posting of Permits. Upon approval of the application by the Zoning/Code Enforcement, the Zoning/Code Enforcement shall issue a zoning permit placard which shall be visibly posted on the site of operations during the entire time of construction. The zoning permit shall expire if the work authorized has not commenced within six (6) months after the date of issuance or has not been completed within one (1) year from the date of issuance. Provided, however, that the same may be extended every six (6) months for a period not to exceed an additional one (1) year upon written application for such an extension and payment of an administrative fee to the Borough.
 5. Rights of Permit Holders. The zoning permit shall be a license to proceed with work described on the approved application. A zoning permit shall not be deemed to supersede or annul any restrictions on the use or development of the property imposed by deed restrictions, restrictive covenants, or other private agreements. Permit holders shall proceed with work at their own risk and subject to the rights of aggrieved parties to appeal the issuance of the zoning permit as authorized by the Municipalities Planning Code or to take action to enforce deed restrictions, restrictive covenants, or private agreements as authorized by law.
 6. Revocation of Zoning Permit. The Zoning/Code Enforcement shall revoke a zoning permit or approval issued under the provisions of this Ordinance in the case of any false statement or misrepresentation of fact in the application on which the permit or approval was based, or if the permit or approval was issued in error, or if the work is not undertaken in accordance with terms of the permit or approval, or for any other proper cause.
 7. Permit Fees - Application for a zoning permit shall be accompanied by payment of a minimum fee as established by Borough Council.
- C. Special Exceptions and Conditional Uses - Applications for any special exceptions or conditional uses as permitted by this Ordinance shall be made to the Zoning Hearing Board or Borough Council through the Zoning/Code Enforcement Officer. The Zoning Hearing Board or Borough Council shall refer the matter to the Planning Commission for report thereon as to its effect on the comprehensive planning of the Borough.

- D. Temporary Use Permits - It is recognized that it may be in accordance with the purpose of the Ordinance to permit temporary activities for a limited period of time, which activities may be prohibited by other provisions of this Ordinance. If such uses are of such a nature and are so located that, at the time of petition, they will:
1. In no way exert a detrimental effect upon the uses of land and activities normally permitted in the zone or
 2. Contribute materially to the welfare of the Borough, particularly in a state of emergency, under conditions peculiar to the time and place involved; then the Zoning Hearing Board may, subject to all regulations for the issuance of special exception elsewhere specified, direct the Zoning/Code Enforcement Officer to issue a permit for a period not to exceed six (6) months. Such permits may be extended not more than once for an additional period of six (6) months.
- E. Certificate of Zoning Compliance - It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until a Certificate of Zoning Compliance has been issued for that premises, certifying that the structure or use complies with the provisions of this Ordinance. Such Certificate of Zoning Compliance shall be granted or denied within fifteen (15) days from the date that a written application is filed with the Zoning/Code Enforcement Officer. In the event that the issuance of a Certificate of Zoning Compliance is denied upon application therefore, the Zoning/Code Enforcement Officer shall notify the Zoning Hearing Board in writing his action and the specific reasons therefore.

SECTION 13.04 - RECORDS. It shall be the duty of the Zoning/Code Enforcement Officer to keep a record of all applications for planning and zoning permits, a record of all permits issued and a record of all Certificates of Zoning Compliance which he countersigns, together with a notation of all special conditions involved. He shall file and safely keep copies of all plans submitted and the same shall be available for the use of the Borough Council.

The Zoning/Code Enforcement Officer shall prepare a monthly report for the Borough Council summarizing for the period since his last previous report all zoning and/or building permits issued and Certificates of Zoning Compliance countersigned by him and all complaints or violations and the action taken by him consequent thereon. A copy of each such report shall be filed with the Office of the Chief Assessor of Schuylkill County at the same time it is filed with the Borough Council.

SECTION 13.05 - VIOLATIONS AND PENALTIES. Whenever the Zoning Officer or other authorized Borough representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant there to, the Zoning Officer shall initiate enforcement proceedings in accordance with the procedures defined in the MPC.

SECTION 13.06 - SPECIAL EXCEPTION AND CONDITIONAL USES

It is the intent of this Section to provide special controls and regulations for particular uses which may, under certain conditions, be conducted within the various Zoning Districts established in Article III of this Ordinance.

Each subsection of this Section has particular controls and/or requirements which must be satisfied before the use by Special Exception or Conditional Use is permitted; and it is the intent of this Article that these particular controls and requirements are additional to those imposed by the District Use Regulations, Articles V through IX, and by the Supplementary Regulations, Article X, of this Ordinance.

A. Applicability, Limitations, Compliance.

1. Applicability. The controls imposed by Article X are applicable where cited specifically for a use by Special Exception or Conditional Use listed in Articles V through IX of this Ordinance.
2. Limitations. Special Exception and Conditional Uses shall be permitted only where specifically cited in the district use regulations, Articles V through IX of this Ordinance.
3. The applicant shall bear the burden of proof that the proposed use meets all requirements and objectives of this Ordinance.
4. Compliance. Nothing in this Section shall relieve the Owner or his agent, the developer, or the applicant for a Special Exception or Conditional Use Permit from obtaining Subdivision and/or Land Development Plan approval in accordance with the Orwigsburg Borough Subdivision and Land Development Ordinance.
5. Conditions and Safeguards of Special Exception and Conditional Use Permits. The Zoning Hearing Board or Borough Council, as relevant, may require the special exception or conditional use permits be periodically renewed. Such renewal shall be granted upon a determination by the Zoning Hearing Board or Borough Council, as relevant, to the effect that such conditions as may have been prescribed in conjunction with the issuance of the original permit have not been, or are being no longer, complied with. In such cases, a period of 60 days shall be granted the applicant for full compliance prior to the revocation of said permit.
6. Effect of Approval. Any use for which a special exception or conditional use permit may be granted shall be deemed to be a conforming use in the District in which such use is located provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.
7. An existing use which is listed herein as a Special Exception (or Conditional Use), and which is located in a Zoning District in which such Special Exception (or Conditional Use) may be permitted, is a conforming use. Any

expansion of such Special Exception (or Conditional Use) involving the enlargement of the buildings, structures and land area devoted to such use shall be subject to the procedure described in this section.

8. Fees and Other Costs.

- a. An applicant before the Zoning Hearing Board (or Borough Council in the case of a Conditional Use) shall deposit with the Borough the appropriate filing fee. Fees shall be established by resolution of the Borough Council, for purposes as prescribed in Section 908 (1.1) of the Municipalities Planning Code.
- b. Fees for said Zoning Hearing Board hearings (or Borough Council hearings in the case of a Conditional Use) may include compensation for the secretary of the Zoning Hearing Board (Borough Secretary), notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board (or Borough Council), expenses for engineering, architectural or other technical consultants or expert witness costs.
- c. An applicant by filing for a use by special exception or conditional use shall then be obligated to pay all costs hereinabove provided. Payment of such costs shall be promptly submitted to the Borough by the applicant upon the submission of bills therefore from time to time. Payment shall be by check or money order made payable to the Borough of Orwigsburg.
- d. No zoning permit, building permit or other requisite permit shall be issued by the Borough Zoning/Code Enforcement Officer until all such fees and costs have been paid in full by the applicant.

B. General Procedures for Special Exceptions and Conditional Uses.

1. Application. Requests for Special Exceptions and Conditional Use shall be submitted to the Borough, together with all required fees, in a written application setting forth the grounds for the request in detail.

A development plan of the total area to be included in the application, which shall be drawn to scale, shall accompany and be part of the Special Exception or Conditional Use Application and contain the following:

- a. The location, boundaries, dimensions and ownership of the land.
- b. In the case of commercial or industrial development, a general description of the activities to take place as may be appropriate such as maximum employment, working hours, customer traffic, delivery services, development schedule staging plan.

- c. The location, use, and ground area of such proposed building and other structure.
 - d. The locations, dimensions, arrangements and proposed use of all open spaces, yards, streets, accessways, entrances, exits, off-street parking facilities, loading and unloading facilities, pedestrian ways and buffer yards.
 - e. The capacity arrangement and controls for all areas to be used for automobile access, parking, loading and unloading in sufficient detail to demonstrate that satisfactory arrangements will be made to facilitate traffic movement from the street or highway.
 - f. The character of the buffer area and screening devices to be maintained including the dimensions and arrangements of all areas devoted to planting, lawns, trees or similar purposes.
 - g. A description of the proposed methods of control of development in sufficient detail to indicate the noise, glare, air pollution, water pollution, fire hazards, traffic congestion, and other safety hazards to be produced.
 - h. A description of the methods to be used for water supply treatment and disposal of sewage, wastes, refuse, and storm drainage.
 - i. The names and addresses of all adjoining property owners.
2. Referral to Orwigsburg Borough Planning and Zoning Commission. Applications for Special Exceptions and Conditional Uses shall be referred to the Orwigsburg Borough Planning and Zoning Commission for comment. In their review the Planning Commission shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may recommend appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the expressed intent of this Ordinance and the accomplishment of the following objectives in particular.
- a. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
 - b. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
 - c. That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District:

- (1) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said Residential District or conflict with the normal traffic of the neighborhood; and
- (2) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

C. Special Exceptions - Specific Procedures. Upon receipt of a Special Exception Application and Development Plan (see Section 13.06 B.1.) the following procedure shall prevail.

1. Planning and Zoning Commission Review. Within thirty (30) days of the Borough's receipt of a Special Exception Use Application, the Borough Planning and Zoning Commission shall review said application together with all supporting information and forward its written recommendations to the Zoning Hearing Board. The Commission may recommend approval, disapproval or modification. In the case of disapproval or modification the Commission shall set forth the reasons for the recommendation in writing.
2. Zoning Hearing Board Action. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the provisions of the MPC.
 - a. The Zoning Hearing Board shall make its final decision based upon findings of fact as to the general factors set forth in Section 13.06 B.2. and upon the specific factors for which a special exception application is filed.

D. Conditional Uses - Specific Procedures. Upon receipt of a Conditional Use Application and Development Plan (see Section 13.06 B.1.) the following procedure shall prevail.

1. Planning and Zoning Commission Review. Within forty-five (45) days of the Borough's receipt of a Conditional Use Application, the Borough Planning and Zoning Commission shall review said application together with all supporting information and forward its written recommendations to Borough Council. The Commission may recommend approval, disapproval or modification. In the case of disapproval or modification the Commission shall set forth the reasons for the recommendation in writing.
2. Borough Council Action. The Borough Council shall conduct hearings and make decisions in accordance with the provisions of the MPC.

ARTICLE XIV

ZONING HEARING BOARD AND OTHER ADMINISTRATIVE PROCEEDINGS

SECTION 14.01 - ZONING HEARING BOARD CREATION AND APPOINTMENTS

Pursuant to Article IX of the Pennsylvania Municipalities Planning Code, as amended, the Orwigsburg Borough Council does hereby create a Zoning Hearing Board consisting of three members who shall be residents of the Borough. Members of the Zoning Hearing Board shall hold no other office in the Borough.

- A. Terms of Office. The terms of office shall be three years and shall be so fixed that the term of office of no more than one member shall expire each year.
 - 1. The members of the existing Board shall continue in office until their term of office would expire under the prior Zoning Ordinance.
 - 2. The Zoning Hearing Board shall promptly notify Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.
- B. Alternate Members. Borough Council may appoint by resolution at least one but no more than three residents of the Borough to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three years. When seated in accordance with Section 14.02, an alternate shall be entitled to participate in all proceedings and discussions of the Board to the same and full extent as provided by law for Zoning Hearing Board members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this Ordinance and otherwise provided by law. Alternates shall hold no other office in the Borough, including membership on the Planning Commission and Zoning/Code Enforcement Officer. Any alternate may participate in any proceeding or discussion of the Board but shall not be entitled to vote as a member of the board nor be compensated pursuant to Section 14.03 unless designated as a voting alternate member pursuant to Section 14.02 of this Ordinance.
- C. Removal of Members. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of Borough Council taken after the member has received fifteen days' advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

SECTION 14.02 - ORGANIZATION OF THE ZONING HEARING BOARD

- A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms and as such may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall not be less than a majority of all the members of the board, but the board may appoint a hearing officer from its

own membership to conduct any hearing on its behalf and the parties may waive further action of the Board as provided in Section 14.04 of this Ordinance.

- B. If, by reason of absence or disqualification of a member, a quorum is not reached, the chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case. Designation of an alternate pursuant to this section shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.
- C. The Zoning Hearing Board may make, alter and rescind rules and forms for its procedure, consistent with ordinances of the Borough of Orwigsburg and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business, which records shall be the property of the Borough, and shall submit a report of its activities to Borough Council as requested by Borough Council.

SECTION 14.03 - EXPENDITURES FOR SERVICES

Within the limits of funds appropriated by Borough Council, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of Borough Council. Alternate members of the Board may receive compensation, as may be fixed by Borough Council, for the performance of their duties when designated as alternate members pursuant to Section 14.02, but in no case shall such compensation exceed the rate of compensation authorized to be paid to the members of Borough Council.

SECTION 14.04 - HEARINGS OF THE ZONING HEARING BOARD. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the provisions of the MPC.

SECTION 14.05 - JURISDICTION

- A. Zoning Hearing Board's Jurisdiction. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications as delineated in the MPC.
- B. Borough Council's Jurisdiction. Borough Council shall have exclusive jurisdiction to hear and render final adjudications as delineated in the MPC.

SECTION 14.06 - ZONING HEARING BOARD'S FUNCTIONS

- A. Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning/Code Enforcement Officer. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 3. That such unnecessary hardship has not been created by the appellant;
 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Zoning Ordinance and the Municipalities Planning Code.

- B. Special Exceptions. The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the standards and criteria set forth in this Ordinance. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and of the Pa. Municipalities Planning Code.

SECTION 14.07 - BOROUGH COUNCIL'S FUNCTIONS. Borough Council shall hold hearings on and decide requests for conditional uses in accordance with the standards and criteria set forth in this Ordinance. In granting a conditional use, Borough Council may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and of the Pa. Municipalities Planning Code.

SECTION 14.08 - APPEALS TO COURT. All appeals from all land use decisions rendered pursuant to this Article shall be filed in accordance with the procedures defined in the MPC.

SECTION 14.09 - MEDIATION OPTION

- A. Parties to proceedings authorized in This Article and in Article XV (Appeals to Court) may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in This Article and in Article XV once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Borough shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
 - 1. Funding mediation.
 - 2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - 3. Completing mediation, including time limits for such completion.
 - 4. Suspending time limits otherwise authorized in this Ordinance and the Pa. Municipalities Planning Code, provided there is written consent by the mediating parties, and by an applicant or municipal decision-making body if either is not a party to the mediation.
 - 5. Identifying all parties and affording them the opportunity to participate.
 - 6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - 7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision-making body pursuant to the authorized procedures set forth in the Pa. Municipalities Planning Code.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

ARTICLE XV

AMENDMENTS

SECTION 15.01 - POWER OF AMENDMENT

Borough Council may, from time to time, amend, supplement, change, modify or repeal this Ordinance or any part of this Ordinance, including the Zoning Map. When doing so, Borough Council shall proceed in the manner prescribed in this Article.

SECTION 15.02 - ENACTMENT OF ZONING ORDINANCE AMENDMENTS

Proposals for amendment, supplement, change, modification, or repeal may be initiated by Borough Council on its own motion, by the Planning and Zoning Commission, or by petition of one or more owners of property to be affected by the proposed amendment, subject to the following provisions:

- A. All proposals for amendment, supplement, change, modification, or repeal shall conform to the requirements of the MPC.
- B. Submission Dates. Proposals for amendment, supplement, change or modification to this Ordinance, including the Zoning Map, will be accepted for review and recommendation by the Planning and Zoning Commission. The regularly scheduled meetings of the Planning and Zoning Commission are hereby established as the meetings at which such aforementioned proposals shall be considered. All proposals for amendment, supplement, change or modification to this Ordinance shall be submitted to the Borough Secretary for referral to the Planning and Zoning Commission not later than fourteen (14) days prior to the regularly scheduled meetings of the Planning and Zoning Commission.
- C. Proposals Originated by Borough Council. Borough Council may on its own motion prepare proposals for amendment, supplement, change, modification or repeal of this Ordinance.
- D. Proposals Originated by the Planning and Zoning Commission. The Planning and Zoning Commission may on its own motion prepare proposals for amendment, supplement, change, modification or repeal of this Ordinance.
- E. Proposals Originated by Citizen Petition. Owners of property in the Borough may by petition submit proposals for amendment, supplement, change, modification or repeal of this Ordinance.
 - 1. A fee shall be paid at the same time to cover costs, and no part of such fee shall be returnable to a petitioner. Said fee shall be in accordance with a fee schedule adopted by resolution of Borough Council from time to time.

2. On receipt of said petition and the requisite fee the Zoning/Code Enforcement Officer shall transmit a copy of the petition to the Planning and Zoning Commission.
- F. Within thirty (30) days after receipt of the Planning and Zoning Commission's report and recommendation, Borough Council shall either fix a time for public hearing or notify the petitioner of its decision not to consider the proposal.
 - G. In the case of an amendment other than that prepared by the Planning and Zoning Commission, Borough Council shall submit each such amendment to the Planning and Zoning Commission at least thirty (30) days prior to the hearing on such amendment to provide the Planning and Zoning Commission an opportunity to submit recommendations.

The Planning and Zoning Commission shall make a report and recommendation to Borough Council.

1. The report shall set forth in detail reasons wherein public necessity, convenience, general welfare, and the objectives of the Orwigsburg Borough Comprehensive Plan do or do not justify the proposed change, and may include any additions or modifications to the original proposal.
2. At its discretion, the Planning and Zoning Commission may hold a public hearing before making such report and recommendation.

ARTICLE XVI

LEGAL PROVISIONS

SECTION 16.01 - INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, morals, and the general welfare of the Borough and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations previously adopted or permits previously issued by the Borough which are not in conflict with any provisions of this Ordinance, nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinances, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control. Where, due to inherent ambiguity, vagueness or lack of clarity in the language of this Ordinance, a reasonable doubt exists as to the meaning of any restriction upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of a restriction.

SECTION 16.02 - REPEALS AND CONTINUATION OF PRIOR REGULATIONS

Except as otherwise required by law, this Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Ordinance restates regulations contained in ordinances previously enacted by the Borough, this Ordinance shall be considered a restatement and not a repeal of such regulations. It is the specific intent of Council that all provisions of this Ordinance shall be considered in full force and effect as of the date such regulations were initially enacted. All zoning ordinances or parts of zoning ordinances inconsistent with the provisions of this Ordinance are hereby repealed. It is expressly provided that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning ordinance or regulation. In the event any violation has occurred under any prior zoning regulation or ordinance of Orwigsburg Borough, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior zoning regulation or ordinance, and the provisions and penalties provided in said prior zoning regulation or ordinance shall remain effective as to said violation.

SECTION 16.03 - VALIDITY AND SEVERANCE. If any article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in the zoning ordinance is declared for any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the zoning ordinance as a whole, or any other article, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the zoning

ordinance. The Borough Council hereby declares that they would have adopted the zoning ordinance and each article, section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the articles, sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.

SECTION 16.04 - EFFECTIVE DATE. This Ordinance shall take effect and be in force immediately after its adoption and advertisement - the public welfare demanding it.

Enacted this 14th day of July, 2010.

Attest: /s/ Sherry M. Edwards
Borough Secretary

/s/ Charles J. Sterner
President of Council

Approved this 14th day of July, 2010.

/s/ Austin Scandiber
Mayor

AS AMENDED BY ORDINANCE NO. 409, ENACTED ON FEBRUARY 13, 2013

AS AMENDED BY ORDINANCE NO. 412, ENACTED ON OCTOBER 9, 2013

AS AMENDED BY ORDINANCE NO. 427, ENACTED ON OCTOBER 11, 2017

AS AMENDED BY ORDINANCE NO. 457, ENACTED ON MAY 10, 2023

Section 18. All Ordinances or Resolutions, or parts of Ordinances or Resolutions, in so far as they are inconsistent herewith, shall be and the same are hereby repealed.

Section 19. If any section(s) or part of a section(s) of this Ordinance shall be declared invalid, such invalidity shall not affect the remaining parts or section of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been enacted as if such invalid section, or portion thereof, had not been included therein.

Section 20. This Ordinance shall become effective upon enactment.

DULY ENACTED AND ORDAINED this 10th day of May, 2023, by the Council of the Borough of Orwigsburg, Schuylkill County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF ORWIGSBURG
Schuylkill County, Pennsylvania

ATTEST:

Sherry Edwards, Borough
Secretary

By: _____
Richard Bubeck, President of Council

EXAMINED and APPROVED this 10th day of May, 2023.

Barry J. Berger, Mayor, Borough of Orwigsburg

APPENDIX

**TABLE A
PERMITTED SIGNS BY TYPE AND ZONING DISTRICT**

SIGN TYPE	R-E	R-S/R-1	R-2	R-3	V	INS ^a	C	I-1/I-2
<i>Freestanding</i>								
Residential	S ^k	S ^b	S ^b	S ^b	S ^b	N	N	N
Other	N	N	N	N	S	S	S	S
Incidental ^c	N	N	N	P ^d	P ^d	P ^d	P	P
<i>Building</i>								
Banner	N	N	N	N	S	N	S	S
Building Marker ^e	P	P	P	P	P	P	P	P
Canopy	N	N	N	N	S	N	S	S
Identification ^d	P	P	P	P	P	P	P	P
Incidental ^c	N	N	N	P ^f	P ^c	P ^f	P	P
Marquee ^g	N	N	N	N	S	N	S	N
Projecting ^g	N	N	N	N	S	N	S	N
Residential	S ^k	S ^b	S ^b	S ^b	S ^b	N	N	N
Roof	N	N	N	N	N	N	N	N
Roof, Integral	N	N	N	N	N	N	S	N
Suspended ^g	N	N	N	N	S	S	S	N
Temporary ^h	N	N	N	N	S	N	S	S
Wall	N	N	N	N	S	S	S	S
Window	N	N	N	N	S	N	S	N
<i>Miscellaneous</i>								
Banner ^c	N	N	N	N	S	N	S	N
Flag ⁱ	P	P	P	P	P	P	P	P
Portable	N	N	N	N	S ^j	S ^j	S ^j	N
Sidewalk	N	N	N	N	P	N	P	N

P = Allowed without sign permit; **S** = Allowed only with sign permit; **N** = Not allowed

- ^a This column does not represent a zoning district. It applies to institutional uses permitted under This Ordinance in all zoning districts. Such uses may include places of worship, schools, etc.
- ^b No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.
- ^c No commercial message of any kind allowed on the sign if such message is legible from any location off the zone lot on which the sign is located.
- ^d Only address and name of occupant allowed on the sign.
- ^e May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.
- ^f No commercial message of any kind allowed on the sign.
- ^g If such a sign is suspended or projects above any public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign in such form and such amount as Borough Council may reasonably from time to time determine.
- ^h The conditions of Section 10.12 N. of This Ordinance apply.
- ⁱ Flags of the United States, the state, the Borough, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.
- ^j Permitted on the same terms as a temporary sign, in accordance with Section 10.12 N., except that it may be freestanding.
- ^k No commercial message allowed on sign.

	R-E	R-S/R-1	R-2	R-3	V	INS ^a	C	I-1/I-2
<i>The maximum total area of all signs on a zone lot <u>except</u> incidental, building marker, identification signs and flags^b shall not exceed the lesser of the following:</i>								
Maximum Number of Total Square Feet	4	8	8	24	100	100	200	200
Percentage of Ground Floor Area of Principal Building	NA	NA	NA	NA	NA	NA	10%	2%
Square Feet of Signage Per Linear Foot of Street Frontage	NA	NA	NA	0.5	3.0	0.5	4.0	NA
^a This column does not represent a zoning district. It applies to institutional uses permitted under This Ordinance in all zoning districts. Such uses may include places of worship, schools, etc. ^b Flags of the United States, the state, the Borough, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.								

a This column does not represent a zoning district. It applies to institutional uses permitted under This Ordinance in all zoning districts. Such uses may include places of worship, schools, etc.

b Flags of the United States, the state, the Borough, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than forty (40) feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

TABLE C
NUMBER, DIMENSIONS AND LOCATION OF INDIVIDUAL SIGNS BY ZONING DISTRICT

	R-E	R-S/R-1	R-2	R-3	V	INS ^a	C	I-1/I-2
<i>Individual signs shall not exceed the applicable maximum number dimensions or setbacks shown on this table and on Table D.</i>								
<i>Freestanding</i>								
Area (sq. ft.)	4	6	6	12	40	40	80	80
Height (feet)	5	5	5	5	12 ^b	12	20 ^c	12
Setback (feet) ^d	2	2	2	2	5 ^b	5	5 ^c	10
Number Permitted								
Per Zone Lot	1	1	1	NA	NA	1	NA	NA
Per Feet of Street Frontage	NA	NA	NA	1 per 200	1 per 200	NA	1 per 200	1 per 200
<i>Building</i>								
Area (max. sq. ft.)	2	2	2	2	NA	10	NA	NA
Wall Area (percent) ^f	NA	NA	NA	NA	10%	NA	10%	5%

- ^a This column does not represent a zoning district. It applies to institutional uses permitted under This Ordinance in all zoning districts. Such uses may include places of worship, schools, etc.
- ^b Maximum sign height is 12 feet, and minimum setback is five feet; however, in no case shall the actual sign height exceed the actual sign setback from any side lot line for any adjacent lot that is zoned and used for residential purposes. For example, if the sign is set back seven feet from such a side lot line, it may be no more than seven feet high.
- ^c Maximum sign height is 20 feet, and minimum setback is five feet; however, in no case shall the actual sign height exceed the actual sign setback from any side lot line for any adjacent lot that is zoned and used for residential purposes. See example in Note b.
- ^d Setback from lot line or street right-of-way. In addition to the setback requirements on this table, signs shall be located such that there is at every street intersection a clear view between heights of thirty (30) inches and ten (10) feet in the clear sight triangle, as defined elsewhere in This Ordinance.
- ^e Lots fronting on two or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on one street in excess of that for lots with only one street frontage.
- ^f The percentage figure here shall mean the percentage of the area of the wall of which such sign is a part or to which each such sign is most nearly parallel.

**TABLE D
NUMBER AND DIMENSIONS OF CERTAIN INDIVIDUAL SIGNS BY SIGN TYPE**

			VERTICAL CLEARANCE			
SIGN TYPE	NUMBER ALLOWED	MAXIMUM SIGN AREA	FROM SIDEWALK, PRIVATE DRIVE OR PARKING	FROM PUBLIC STREET	OTHER CASES	MAXIMUM PROJECTION FROM BUILDING FACE
No sign shall exceed any applicable maximum numbers or dimensions, or encroach on any applicable clearance shown on this table.						
Freestanding						
Residential	See Table C	See Table C	NA	NA		
Other						
Incidental						
Building						
Banner	NA	NA	8 ft.	12 ft.	8 ft.	
Building Marker	1 per bldg.	4 sq.ft.	NA	NA		
Canopy	1 per bldg.	25% of vertical surface ^b	8 ft.	12 ft.	8 ft.	
Identification	1 per bldg.	NA	NA	NA		
Incidental	NA	NA	NA	NA		
Marquee	1 per bldg.	NA	8 ft.	12 ft.	8 ft.	5 ft.
Projecting	1 per bldg.	40 sq.ft.	8 ft.	12 ft.	8 ft.	5 ft.
Residential	1 per zone lot	NA	NA	NA		
Roof	1 per principal bldg.	NA	NA	NA		
Roof, Integral	2 per principal bldg.	NA	NA	NA		
Suspended	1 per entrance	NA	8 ft.	NA		
Temporary	See Section 10.12 M.	NA	NA	NA		
Wall	NA	NA	NA	NA		12 in.
Window	N	25% of total window area	NA	NA		
Miscellaneous						
Banner	NA	NA	8 ft.	12 ft.	8 ft.	
Flag	NA	60 sq.ft.	8 ft.	12 ft.	8 ft.	
Portable	1 where allowed ^a	20 sq.ft.	NA	NA		
Sidewalk	1 where allowed ^a	12 sq.ft.	NA	NA		

^a Permitted on the same terms as a temporary sign, in accordance with Section 10.12 N., except that it may be freestanding.

^b Vertical surface of canopy.

TABLE E
PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT

	R-E	R-S/R-1	R-2	R-3	V	INS ^a	C	I-1/I-2
Animated/Moving	N	N	N	N	N	N ^b	N ^b	N
Illumination, Internal	N	N	N	N	S ^c	P ^c	S ^c	S ^c
Illumination, External	N	N	N	S ^c	S ^c	P ^c	S ^c	S ^c
Illumination, Exposed Bulbs or Neon	N	N	N	N	S ^c	N	S ^c	N
Changeable - Manually Activated	N	N	N	N	S	P	S	N
Changeable - Electrically Activated	N	N	N	N	N	S ^{c,d}	S ^{c,d}	N
Electronic Reader Board/Message Center	N	N	N	N	N	S ^{c,d}	S ^{c,d}	N

P = Allowed without sign permit S = Allowed only with sign permit N = Not allowed

^a This column does not represent a zoning district. It applies to institutional uses permitted under This Ordinance in residential zoning districts. Such uses may include places of worship, schools, etc.

b When approved as a Special Exception by the Zoning Hearing Board, Electrically Activated Changeable Signs and Electronic Reader Boards/Message Centers, may also contain electrically activated, patterned illusionary movement (animated) signs .

^c No direct light or significant glare from the sign shall be cast onto any adjacent zone lot that is zoned and used for residential purposes.

^d See Section 10.12 T for requirements.

